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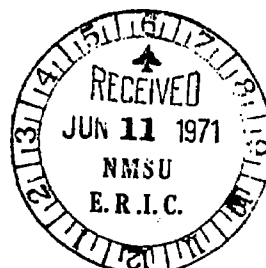
ABSTRACT

The Museum of Anthropology, University of Northern Colorado at Greeley, has assembled various American Indian tribal charters, constitutions, and by-laws to comprise a series of publications. The present volume, Part I of the series, covers the following Northwest groups: the Hoh, Muckleshoot, Nisqually, Port Gamble Clallam, Lower Elwha, Puyallup, Quinault, Squaxin Island, Suquamish, Kalispel, and Swinomish of Washington, and the Burns Paiute, Cayusa, Umatilla, and Walla Walla of Oregon. (EL)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN  
TRIBES OF NORTH AMERICA

Part X: The Northwest, and Alaska (cont'd.)

compiled/edited by

George E. Ray

Museum of Anthropology  
University of Northern Colorado  
Greeley, Colorado

June, 1971

### Acknowledgments

The editor is indebted to the following persons for providing, and extending permission to reproduce herein, the charters, constitutions and by-laws of the Indian tribes of Washington and Oregon.

\*\*\*\*\*

### Washington

Paul H. Clements, Tribal Operations Officer, Bureau of Indian Affairs, Western Washington Agency, Everett, Washington:

Hoh Indian Tribe, the Muckleshoot, Nisqually Indian Community, Port Gamble Band of Clallam Indians, Puyallup Tribe, the Quinault, Squaxin Island Tribe, and the Swinomish.

### Washington and Oregon

John W. Weddel, Tribal Operations Officer, Bureau of Indian Affairs, Portland Area Office, Portland, Oregon:

Lower Elwha Tribal Community, Suquamish Tribe, Confederated Tribes [Cayusa, Umatilla, Walla Walla] of the Umatilla Reservation, and the Burns Paiute Indian Colony.

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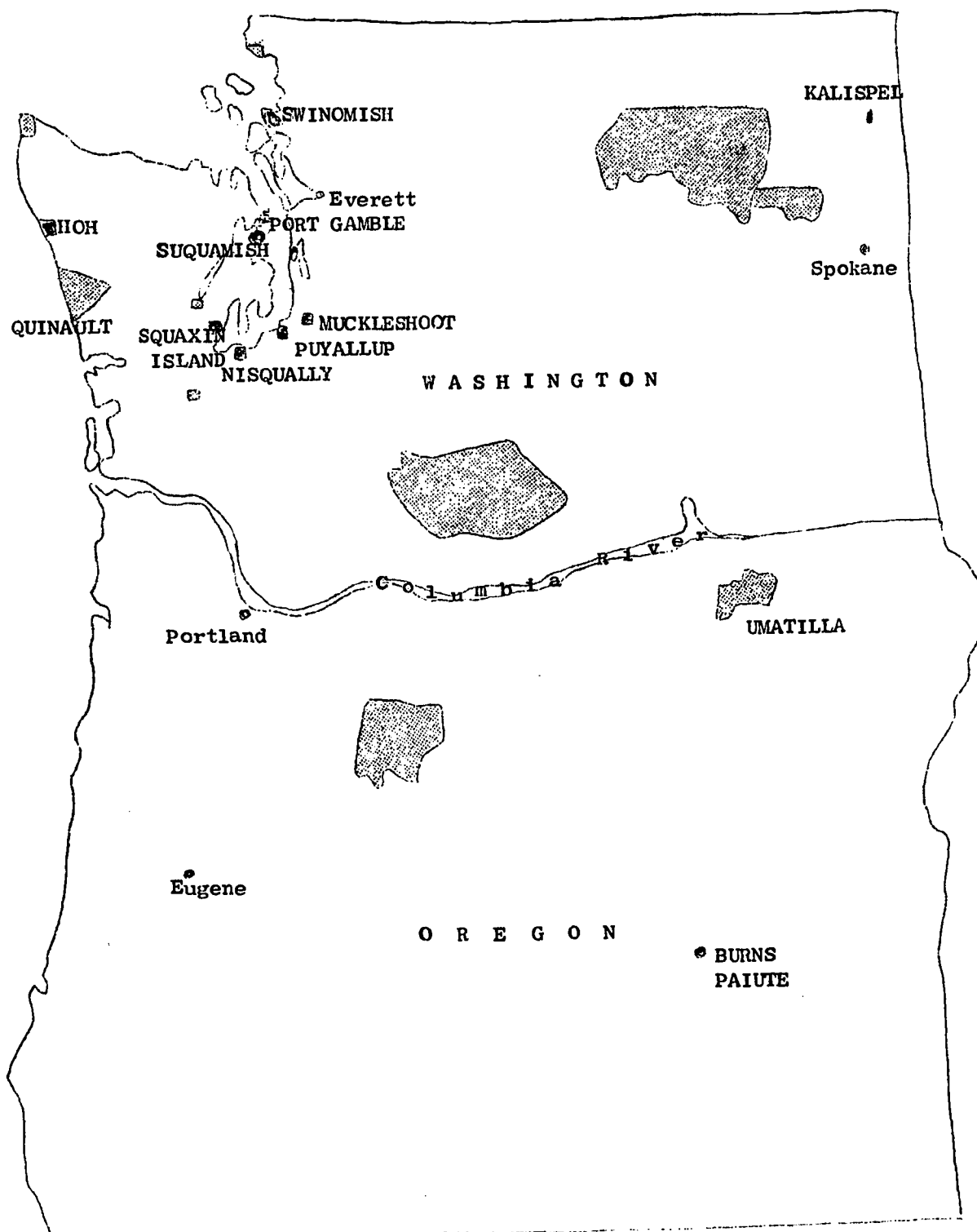
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SOME INDIAN TRIBES IN WASHINGTON AND OREGON.

CONSTITUTION OF THE HOH INDIAN TRIBE  
OF WASHINGTON

Ratified May 24, 1969

PREAMBLE

We, the members of the Hoh Tribe, in order to establish a tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), do ordain and establish this constitution for the Hoh Indian Tribe.

ARTICLE I -- TERRITORY

The territory of the Hoh Indian Reservation shall include all lands set aside for Hoh Indians by Executive Order dated September 11, 1893, and any other lands which may be acquired for or by, and held in trust in the name of the Hoh Indian Tribe. The jurisdiction of the Hoh Indian Tribe over its lands shall not be inconsistent with applicable Federal and State laws. However, nothing in this article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Hoh Indian Tribe shall consist of:

- (a). All persons whose names appear on the October 14, 1966, approved base roll of the Hoh Tribe, prepared in accordance with Public Law 89-655 (80 Stat. 905).
- (b). All persons of one-fourth degree or more Indian blood born to any member of the Hoh Tribe.

SEC. 2. The Hoh Tribe shall have the power to pass ordinances, subject to approval by the Secretary of the Interior, governing relinquishment of membership and the adoption of members.

ARTICLE III -- GOVERNING BODY

SECTION 1. The tribe shall elect the following officers by secret ballot: (1) a chairman, (2) a vice chairman, (3) a secretary, and (4) a treasurer. The officers shall be adult members who have been living on the reservation for a period of one year preceding any election.

SEC. 2. The governing body of the Hoh Indian Tribe shall consist of the officers of the Hoh Tribe and shall be known as the Hoh Tribal Business Committee. The tribal business committee may also appoint or employ such other officers or committees which are considered necessary.

SEC. 3. (a) The Hoh Tribe shall hold regular annual meetings, the date to be set by the Hoh Tribal Business Committee.

- (b). The Hoh Tribal Business Committee shall hold meetings as called either in writing or verbally by the chairman or three members of the Hoh Tribal Business Committee at any time when tribal business is to be transacted. No business shall be transacted unless a quorum of three members is present.
- (c). Special meetings of the tribe may be called by the chairman, or by ten percent of the qualified voters.
- (d). Written notices of regular and special meetings of the tribe shall be sent to each qualified voter 10 days in advance of any regular or special meeting.
- (e). Twenty-five percent of the adult members shall constitute a quorum of the tribe. No business shall be conducted unless a quorum is present.
- (f). Any member of the tribe twenty-one years of age or older shall be entitled to vote and participate in all meetings of the tribe.

SEC. 4. Within sixty days after the ratification and approval of this constitution, the Hoh Tribe shall meet for the purpose of electing the officers named herein, and to transact such other business as may be necessary. The officers elected at this meeting shall serve for one year or until the regular meeting closest to one year. Thereafter, officers shall be elected every two years, pursuant to an appropriate election ordinance, and shall serve until their successors are duly installed.

#### ARTICLE IV — POWERS OF THE GOVERNING BODY

SECTION 1. The Hoh Tribal Business Committee shall have the following powers to the extent that it can legally exercise them, to administer the affairs of the Hoh Reservation subject to any limitations imposed by applicable State laws, statutes of the United States, or published regulations of the Secretary of the Interior:

- (a). To consult, negotiate, contract, or conclude agreements with Federal, State, and local governments, and others, on behalf of the tribe and to advise and consult with their representatives on all activities which may affect the tribe.
- (b). To acquire, lease, permit, sell, assign, manage, or provide for the management of tribal lands, interests in lands or interests in lands acquired within or without the reservation.
- (c). To veto the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets.
- (d). To manage tribal funds in accordance with approved resolutions, including the power to borrow money from any source, subject to the approval of the Secretary of the Interior or his authorized representative.
- (e). To receive advice from, and make recommendations to, the Secretary of the Interior or his authorized representative with regard to all appropriation estimates or Federal projects for the benefit of the tribe, before such estimates are submitted to the Bureau of the Budget and Congress.
- (f). To pass ordinances authorizing the levy and collection of taxes from members of the tribe; and to pass ordinances authorizing the levy and collection of

taxes or license fees from nonmembers doing business on the reservation; and otherwise regulate the conduct of business activities on the reservation; provided, that any ordinance affecting nonmembers of the Hoh Reservation shall be subject to review by the Secretary of the Interior.

- (g). To pass and enforce ordinances governing the conduct of members, subject to review by the Secretary of the Interior.
- (h). To pass ordinances authorizing the tribe to remove or exclude from the reservation persons not legally entitled to reside there, or trespassers, or undesirable persons, such ordinances to be subject to review by the Secretary of the Interior.
- (i). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative, so long as such approval is required by law.
- (j). To enact an election ordinance setting forth procedures for conducting tribal elections.

#### ARTICLE V — DUTIES OF THE OFFICERS

SECTION 1. The Chairman of the Hoh Tribe shall preside over all meetings of the Hoh Tribal Business Committee and the tribe, and shall carry out all orders of the Hoh Tribal Business Committee. He shall be allowed to vote only in case of a tie. He shall countersign all checks involving the expenditures of tribal funds and exercise any authority specifically delegated to him by the Hoh Tribal Business Committee. He shall sign all correspondence.

SEC. 2. The Vice Chairman of the Hoh Tribe shall assist the chairman when called upon to do so. In the absence of the chairman he shall preside over all meetings of the Hoh Tribal Business Committee and the tribe. When so presiding he shall have all the rights, privileges, and duties, as well as the responsibilities of the chairman.

SEC. 3. The secretary shall prepare and maintain a complete record of all matters transacted at all meetings. It shall be the duty of the secretary to transmit copies of minutes of all meetings to the Superintendent or officer in charge of the reservation.

SEC. 4. The treasurer shall have custody of and be responsible for all funds in the custody of the Hoh Tribal Business Committee. The treasurer shall deposit all tribal funds in a federally insured bank or elsewhere, as directed by the Hoh Tribal Business Committee, and shall keep proper records of such funds. The treasurer shall not pay out any funds except when authorized to do so by a properly executed resolution of the Hoh Tribal Business Committee, and all checks signed by the treasurer shall be countersigned by the chairman. It shall be the duty of the treasurer to report on all receipts and expenditures and the amount and nature of all funds on hand at all regular meetings and at any other time when requested by the Hoh Tribal Business Committee. The treasurer will be required to have a surety bond satisfactory to the Hoh Tribal Business Committee and the Superintendent or officer in charge of the reservation. The surety bond will be obtained at the expense of the tribe.

SEC. 5. The duties of all other officers and committees appointed by the Hoh Tribal Business Committee shall be set forth by properly enacted resolutions.



## ARTICLE VI -- VACANCIES AND REMOVAL FROM OFFICE

If any officer of the Hoh Tribe shall die, permanently leave the reservation, or shall be found guilty of a felony, or misdemeanor involving dishonesty, in any Indian, State, or Federal Court, the Hoh Tribal Business Committee shall declare the position vacant and shall appoint a new member to serve until the next regular election when a successor shall be elected.

## ARTICLE VII -- REVIEW

SECTION 1. Any resolution or ordinance enacted by the Hoh Tribal Business Committee which is subject to review under the terms of this constitution shall be presented to the Superintendent or officer in charge of the Agency exercising jurisdiction, who shall approve or disapprove it within 15 days of its receipt. If approved, it shall become effective, but the Superintendent or officer in charge shall send the resolution or ordinance bearing his endorsement to the Secretary of the Interior, who may, within 90 days after its receipt, rescind it for any cause and shall notify the business committee of his veto and his reasons therefor.

SEC. 2. If the Superintendent or officer in charge disapproves any resolution or ordinance which is subject to review, he shall immediately notify the Hoh Tribal Business Committee giving the reasons for his disapproval. The Hoh Tribal Business Committee may appeal his action by referring the resolution or ordinance to the Secretary of the Interior. Upon the Secretary's written approval, it shall become effective.

## ARTICLE VIII -- REFERENDUM

Upon receipt of a petition signed by at least twenty-five percent of the eligible voters of the Hoh Tribe, or upon written request of the majority of the Hoh Tribal Business Committee, the chairman shall call a meeting of the tribe within 15 days from the date the petition or request is received, to vote on any enacted or proposed ordinance or resolution. A majority of the qualified voters who vote in such a meeting shall decide whether the ordinance or resolution shall be in effect, provided that at least twenty-five percent of the eligible voters shall vote.

## ARTICLE IX -- BILL OF RIGHTS

All members of the Hoh Tribe shall be accorded equal protection of the law under this constitution. No member shall be denied any of the rights or guarantees enjoyed by citizens under the Constitution of the United States, including but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

## ARTICLE X -- AMENDMENTS

Amendments to this constitution may be proposed by a majority vote of the members of the Hoh Tribe attending a regular or special tribal meeting and shall be adopted and approved in the same manner as this constitution.

ARTICLE XI — ADOPTION

This constitution shall be voted on at an election authorized for that purpose by the Secretary of the Interior under regulations prescribed for such elections. If passed by a majority at an election in which at least thirty percent of those entitled to vote cast a ballot, and if approved by the Secretary of the Interior, this constitution shall be effective on the date of such approval.

\*\*\*

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on April 1, 1969, under delegated authority, the attached Constitution of the Hoh Indian Tribe was submitted to the qualified voters of the tribe and was on May 24, 1969, duly adopted by a vote of 21 for, and 0 against, in an election in which at least 30 percent of the 25 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN W. WEDDEL  
Chairman, Election Board

THEODORE HUDSON, SR.  
Election Board Member

HERBERT FISHER, SR.  
Election Board Member

\*\*\*

APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Hoh Indian Tribe of Washington.

Approval Recommended:

T.W. Taylor  
Acting Commissioner of Indian Affairs

HARRISON LOESCH  
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.  
Date: July 1, 1969

\*\*\*\*\*

**CORPORATE CHARTER OF THE MUCKLESHOOT INDIAN TRIBE  
OF THE MUCKLESHOOT RESERVATION, WASHINGTON**

Ratified October 31,  
1936

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Muckleshoot Indian Tribe of the Muckleshoot Reservation in the State of Washington constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Muckleshoot Tribes on April 4, 1936, and approved by the Secretary of the Interior on May 13, 1936, pursuant to section 16 of the act of June 18, 1934, (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a Charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Muckleshoot Indian Tribe of the Muckleshoot Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation at an election in which at least thirty percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Muckleshoot Indian Tribe of the Muckleshoot Reservation in the State of Washington by conferring upon the said tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Muckleshoot Indian Tribe."

2. Perpetual Succession. The Muckleshoot Indian Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Muckleshoot Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Muckleshoot Indian Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

- (a). To adopt, use, and alter at its pleasure a corporate seal.
- (b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
1. No sale or mortgage may be made by the Tribe of any land, or interests in land, now or hereafter held by the Tribe.
  2. No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Muckleshoot Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
  3. No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Muckleshoot Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed five thousand dollars, except with the express approval of the Secretary of the Interior.
- (e). To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (f). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any per-

son, association, or corporation, with any municipality or any county, or with the United States or the State of Washington, including agreements with the State of Washington for the rendition of public services; provided that all contracts involving payment of money by the corporation in excess of \$500 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (g). To pledge or assign chattels or future tribal income due or to become due to the Tribe, provided that such agreements of pledge or assignment shall not extend more than ten years from the date of execution and shall not amount for any one year to more than one-half the net tribal income in the preceding year, and provided further that any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.
- (i). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.
- (j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Muckleshoot Indian Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b), 2, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least thirty percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter if the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within ninety days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Muckleshoot Indian Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Muckleshoot Indian Tribe living on the Muckleshoot Reservation, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Muckleshoot Indian Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Muckleshoot Indian Tribe of the Muckleshoot Reservation in a popular referendum to be held on October 31, 1936.

HAROLD L. ICKES,  
Secretary of the Interior.

[SEAL]

Washington, D.C., October 6, 1936.

\*\*\*

#### CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on October 6, 1936, by the Secretary of the Interior to the Muckleshoot Tribe of the Muckleshoot Reservation was duly submitted for ratification to the adult Indians living on the reservation and was on October 31, 1936, duly ratified by a vote of 58 for and 0 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

MORRIS LOBEHAN,  
President.

OLIVE HUNGARY,  
Secretary.

O.C. UPCHURCH,  
Superintendent, Tulalip Agency.

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CONSTITUTION AND BY-LAWS FOR THE MUCKLESHOOT INDIAN  
TRIBE OF THE MUCKLESHOOT RESERVATION, WASHINGTON

Approved May 13, 1936  
Amended

PREAMBLE

We, the Indians of the Muckleshoot Indian Tribes of the Muckleshoot Reservation, Wash., pursuant to the act of Congress of June 18, 1934, do hereby establish this constitution for the Muckleshoot Indian Tribe. The purpose of this organization shall be the economic, educational, social, and moral rehabilitation of the Indians of the Muckleshoot Tribe, the conservation and development of their resources for their common welfare, the ultimate attainment of self-support and political independence, and the furnishing of a responsible organized body through which government subsidy and control may be exercised so long as necessary.

ARTICLE I -- NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Muckleshoot Indian Tribe.

SEC. 2. The jurisdiction of the tribe shall include all the territory within the original confines of the Muckleshoot Reservation as established by Executive orders dated January 20, 1857, and April 9, 1874, and shall extend to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II -- MEMBERSHIP

\*\*SECTION 1. The membership of the tribe shall consist of:

- (a). All persons of Indian blood whose names appear on the official census roll of the Muckleshoot Indians, and who were residents on the Muckleshoot Reservation on June 1, 1934.
- (b). All children born to any member of the tribe up to the effective date of this amendment if the member was a resident of the reservation at the time of the birth of said children.
- (c). All children of one-eighth degree, or more Muckleshoot blood born after June 1, 1934, and prior to the effective date of this amendment to any member who was not a resident of the reservation at the time of the birth of said children.
- (d). All children of one-eighth degree, or more Muckleshoot blood born to any member of the tribe on or after the effective date of this amendment.
- (e). No persons shall be enrolled as members if they are recognized as members of any other tribe, band or Indian community, with the exception of tribes recognized for claims purposes only.



(f). Corrections may be made in the tribal membership roll by the tribal council at any time, with the approval of the Secretary of the Interior, or his authorized representative.

\*\* SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to approval of the Secretary of the Interior or his authorized representative, governing future membership and the adoption of new members.

### ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Muckleshoot Indian Tribe shall be known as the Muckleshoot Indian tribal council.

SEC. 2. This tribal council shall consist of nine members duly elected to serve 3 years, three being elected each year.

SEC. 3. The tribal council so organized shall elect from within its own number, (1) a chairman, (2) a vice chairman, and from within or without, (3) a secretary, (4) a treasurer, and may appoint or employ such other officers and committees as may be deemed necessary, such as supervisory commissioners, managers, etc., to be immediately responsible for each separate industry and activity, the direction and management of which is assumed by the council, for example: Health, welfare, education, agriculture, land management, horticulture, construction, employees, law and order, finance, etc.

SEC. 4. The first election of the tribal council hereunder shall be called, held, and supervised by the present tribal council within 60 days after the ratification and approval of this constitution. The three candidates receiving the highest number of votes shall hold office for 3 years, the three next highest for 2 years, and the three next highest for 1 year, and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the tribal council shall be called within 60 days prior to the expiration of the terms of office of its members.

### ARTICLE IV — ELECTIONS AND NOMINATIONS FOR THE COUNCIL

\*\* SECTION 1. All members of the Muckleshoot Indian Tribe who are 18 years of age or over shall have the right to vote in all tribal elections; provided, they have duly registered. Elections authorized by the Secretary of the Interior for the amendment of this constitution and bylaws shall be conducted in accordance with rules and regulations as set forth by the Secretary of the Interior.

\* SEC. 2. Elections shall be held annually on the third Monday in January. The times and places of voting shall be designated by the tribal council.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Nomination of candidates for the tribal council under this constitution shall be by public caucus called by the chairman of the council not less than 5 days before election date. The list of qualified candidates shall be posted by the secretary of the tribal council in a public place immediately after the caucus.

**\*\* SEC. 5.** All tribally called elections shall be conducted in accordance with an election ordinance to be adopted by the tribal council. Such ordinance shall provide for registration of voters, secret ballot, and absentee voting; prescribe the duties of the election board, outline procedures for settlement of election disputes, and include any further requirements which are consistent with this constitution and bylaws.

**\*\* SEC. 6.** There shall be an election board appointed by the tribal council to conduct elections in accordance with an election ordinance adopted by the tribal governing body.

#### ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

**\*\* SECTION 1.** If a member of the tribal council or other official shall die, resign, or shall be found guilty of a felony, or misdemeanor involving dishonesty in an Indian, State, or Federal court, the council shall declare the position vacant and elect to fill the unexpired term.

**SEC. 2.** The tribal council may by a two-thirds vote expel any member for neglect of duty or gross misconduct after due notice of charges and an opportunity to be heard.

**\*\* SEC. 3.** The tribal council shall enact an ordinance setting forth the procedures for removal and defining the causes for removing tribal officials from office.

**\*\* SEC. 4.** The members of the general council shall also have the power to remove any tribal councilman or other official by filing a petition with the secretary of the tribal council, signed by at least twenty (20) percent of the registered voters, asking for the removal of said official. Upon receipt of a valid petition, the tribal council shall call and hold within thirty (30) days, a special meeting of the general council to consider such removal. At any special general council meeting called to consider removal, the accused shall have an opportunity to answer to written charges presented to him at least ten days prior to such meeting. A majority vote of the registered voters present at such meeting will decide whether such person is to be removed; provided, that thirty (30) percent or more of the registered voters shall vote in such meeting.

#### ARTICLE VI — POWERS OF THE COUNCIL

**SECTION 1. Enumerated powers.** The tribal council of the Muckleshoot Indian Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws:

- (a). To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Department of the Interior on all activities of the Department that may affect the Muckleshoot Reservation.
- (b). To employ legal counsel for the protection and advancement of the rights of the Muckleshoot Indian Tribe, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Secretary of the Interior.

- \*\* (c).** To approve or veto any sale, disposition, lease, or encumbrance of tribal lands interest in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior or his authorized representative; provided, that no tribal lands shall be encumbered, sold, or leased for a period exceeding that time authorized by law.
- (d).** To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Muckleshoot Indian Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e).** To make assignments of tribal land to members of the tribe in conformity with article VIII of this constitution.
- (f).** To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter that may be issued to the said tribe by the Secretary of the Interior.
- (g).** To appropriate for public purposes of the reservation any available funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.
- (h).** To levy taxes upon members of the tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.
- (i).** To exclude from the territory of the Muckleshoot Indian Tribe persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.
- (j).** To enact resolutions or ordinances not inconsistent with article II of this constitution governing adoption of members and the abandonment of membership, and to keep at all times a correct roll of the members of the tribe.
- (k).** To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.
- (l).** To safeguard and promote the peace, safety, morals, and general welfare of the members of the Muckleshoot Indian Tribe by regulating the conduct of trade and the use and disposition of property within the reservation, provided that any ordinances directly affecting non-members of the tribe shall be subject to review by the Secretary of the Interior.
- (m).** To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the tribe by ordinances, provided that any such ordinances shall be subject to review by the Secretary of the Interior.
- (n).** To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Muckleshoot Indian Tribe, subject to review by the Secretary of the Interior.

- (o). To regulate the domestic relations of members of the tribe.
- (p). To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.
- (q). To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.
- (r). To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

**\*\* SEC. 2. Manner of Review.** Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation no later than ten (10) days from its enactment. Within ten (10) days from receipt thereof, the Superintendent shall approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him rescind the said ordinance or resolution for any cause by notifying the tribal council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance duly submitted to him, he shall, within ten (10) days after its receipt by him, advise the tribal council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

**SEC. 3. Future powers.** The tribal council of the Muckleshoot Indian Tribe may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

**SEC. 4. Reserved powers.** Any rights and powers heretofore vested in the Muckleshoot Indian Tribe but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Muckleshoot Indian Tribe through the adoption of appropriate bylaws and constitutional amendments.

#### ARTICLE VII -- BILL OF RIGHTS

**\*\* SECTION 1. Economic rights.** All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

**\*\* SEC. 2. Civil liberties.** All members of the tribe may enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

**\*\* SEC. 3. Rights of Accused.** Any member of the tribe who shall be accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf.

Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 30 days' imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

## ARTICLE VIII — LAND

**SECTION 1. Allotted lands.** Allotted lands, including heirship lands, within the Muckleshoot Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the tribe itself. It is further recognized that under existing laws, such lands may be inherited by the heirs of the present owner, whether or not they are members of the tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Muckleshoot Tribe, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

**\*\* SEC. 2. Tribal lands.** The unallotted lands of the Muckleshoot Reservation and all lands which may hereafter be acquired by the tribe or by the United States in trust for the tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold unless authorized by law. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the tribe, or leased, or otherwise used by the tribe as hereinafter provided.

**SEC. 3. Leasing of tribal lands.** Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as may be permitted by law.

In the leasing of tribal lands, preference shall be given, first, to Indian cooperative associations of members of the tribe, and second, to individual Indians who are members of the tribe.

**SEC. 4. Grant of standard assignments.** In any assignment of tribal lands which now are owned by the tribe, or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which have no allotted lands or interests in allotted lands.

No allotted member of the Muckleshoot Indian Tribe, who may hereafter have the restrictions upon his land removed, and whose land may thereafter be alienated, shall be entitled to receive an assignment of land as a landless Indian.

The tribal council, if it sees fit, may charge a fee of not to exceed \$5 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard assignments."

SEC. 5. Tenure of standard assignments. If any member of the tribe who holds a standard assignment of land shall, for a period of 2 years, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the tribe who would be eligible to receive a "standard assignment."

SEC. 6. Grant of exchange assignments. Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger unit of tribal land;

Assignments made under this section shall be known as "exchange assignments."

SEC. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-members in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

- (a). Such lands may not be reassigned to any heirs or devisees who are not members of the tribe, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.
- (b). Such lands may not be reassigned to any heir or devisee who already holds more than 40 acres of uncleared land, or other land or interest in land of equal value either under allotment or under assignment.
- (c). Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared land shall be subdivided into units smaller than 20 acres, and no area of agricultural land shall be subdivided into units smaller than  $2\frac{1}{2}$  acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees interests in tribal land or property of the same value as the assignment of the decedent.
- (d). If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.



SEC. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. Exchange of assignments. Assignments may be exchanged between members of the tribe by common consent in such manner as the council shall designate.

SEC. 11. Use of unassigned tribal land. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole. All action of the tribal council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the act of June 18, 1934.

SEC. 12. Purchase of land by tribe. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

- (a) Land within the Muckleshoot Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the tribe.
- \*\* (b) Restricted land in heirship status may be purchased by or for the tribe, either separate undivided individual interests or in its entirety, with the consent of the adult heirs and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.
- (c) Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.
- (d) Land owned by any member of the tribe in excess of his needs for domestic purposes may be purchased by the tribe with the consent of the owner, payments to be made under such terms as may be agreed upon.
- (e) Land owned by any member of the tribe who desires to leave the reservation permanently, may be purchased by the tribe under such terms as may be agreed upon.

SEC. 13. Method of making assignments. Applications for assignments shall be filed with the secretary of the tribal council, and shall be in writing, setting forth the name of the person or persons applying for the land, and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than 20 days before action is taken by the tribal council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the tribal council, and may if he so desires, appear before the tribal council to present evidence. The secretary of the tribal council shall furnish the superintendent or other officers in charge of the agency, a complete record of all action taken by the tribal council on applications for reassignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

#### ARTICLE IX — AMENDMENTS

Amendments to the constitution and bylaws may be ratified and approved in the same manner as this constitution and bylaws.

It shall be the duty of the Secretary of the Interior, upon presentation of a resolution approved by the tribal council or upon presentation of a petition signed by at least one-third of the legal voters of the tribe, to call an election upon the amendment so proposed. If at least 30 percent of those entitled to vote shall vote in such election, and if a majority of those voting shall approve the amendment submitted, it shall be referred to the Secretary of the Interior, and if approved, shall become effective.

#### BY-LAWS FOR THE MUCKLESHOOT INDIAN TRIBE

##### ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the tribal council. The chairman of the tribal council shall preside over all meetings of the tribal council and of the general council, shall perform duties of a chairman, and exercise any authority delegated to him by the tribal council. He shall vote only in the case of a tie.

SEC. 2. Vice chairman of the tribal council. The vice chairman shall assist the chairman, when called upon so to do, and in the absence of the chairman he shall preside. When so presiding, he shall have all the rights, privileges, duties, and responsibilities of the chairman.

SEC. 3. Secretary of the tribal council. The secretary of the tribal council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at tribal council meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction, and to the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the tribal council.

SEC. 4. Treasurer of the tribal council. The treasurer of the tribal council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the tribal council, whether same be tribal funds or special funds for which the tribal council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the tribal council, and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the tribal council at regular meetings and at such other times as requested by the tribal council.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the tribal council, except when properly authorized so to do by resolution duly passed by it.

The books and records of the treasurer shall be audited by a competent auditor employed by the tribal council at least once each year and at such times as the tribal council or the Commissioner of Indian Affairs may direct.



The treasurer shall be required to give a bond satisfactory to the tribal council and to the Commissioner of Indian Affairs.

The treasurer shall be present at all special or regular meetings of the tribal council.

SEC. 5. Appointive officers. The duties of all appointive committees or officers of the tribe shall be clearly defined by resolution of the tribal council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the tribal council, and their activities and decisions shall be subject to review by the tribal council upon the petition of any person aggrieved.

\*\* ARTICLE II — QUALIFICATIONS OF THE MEMBERS OF THE TRIBAL COUNCIL

No person shall be a candidate for membership in the tribal council unless he shall be a member of the Muckleshoot Indian Tribe, shall have physically resided within a radius of thirty (30) miles of the Muckleshoot Tribal Hall within King County or Pierce County for a continuous period of one year next preceding the election, and shall be at least 21 years of age.

\*\* ARTICLE III — CERTIFICATION OF ELECTION

It shall be the duty of the election board to certify to the election of the duly elected members. This shall be done within five (5) days after the election, and the certificate filed with the secretary of the tribal council.

ARTICLE IV — INSTALLATION OF COUNCILMEN

Newly elected members who have been duly certified shall be installed at the first regular meeting of the tribal council following the election upon subscribing to the following oath, which shall be administered by any authorized person and filed with the Secretary of the tribal council: "I, \_\_\_\_\_, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States, and the constitution and bylaws of the Muckleshoot Indian Tribe to the best of my ability, so help me God."

ARTICLE V — SALARIES

The tribal council may prescribe such salaries of officers or members of the council as it deems advisable from such funds as may be available.

ARTICLE VI — TIME AND PLACE OF REGULAR MEETING AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the council shall be held on the first Tuesday of each quarter at a designated building or hall where official records shall be kept. Special meetings shall be called by a written notice signed by the chairman or by a majority of the tribal council and when so called the tribal council shall have the power to transact business as in regular meetings.

SEC. 2. Annual general council. The chairman of the tribal council shall call a general council annually on election day, at which time he shall report in detail to the general council what has been done during the past year and set forth the plans

of the tribal council for the coming year. This shall be freely discussed by the Indians at this general council, and the wishes of the people may be expressed by resolution which shall govern the future action of the tribal council, to be carried into effect by appropriate ordinances.

The chairman shall call special meetings of the general council upon the written request of seven voters.

**\*\* SEC. 3. Quorum.** No business shall be transacted by the Muckleshoot Indian Tribal Council unless a quorum is present. A quorum shall consist of five (5) members of the tribal council. A quorum of the general council shall consist of thirty (30) voting members at the annual meeting and twenty (20) voting members at any special meeting.

**SEC. 4. Order of business.** The following order of business is established for all meetings:

- Call to order by the Chairman.
- Roll call.
- Ascertainment of a quorum.
- Reading of the minutes of the last meeting.
- Adoption of the minutes by vote or common consent.
- Unfinished business.
- New business.
- Adjournment.

**SEC. 5. Ordinances and resolutions.** All final decisions of the tribal council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribe,

All final decisions of the tribal council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees, or rules of order for council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed, or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions, the tribal council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

**SEC. 6. Legislative forms.** Every ordinance shall begin with the words: "Be it enacted by the tribal council of the Muckleshoot Indian Tribe\*\*\*."

Every resolution shall begin with the words: "Be it resolved by the tribal council of the Muckleshoot Indian Tribe\*\*\*."

ARTICLE VII — CENTRAL GENERAL COUNCIL

SECTION 1. The council shall have the power to select delegates to sit in a central general council of Northwest Indians.

ARTICLE VIII

This constitution and bylaws shall be in full force and effect whenever a majority of the adult members of the Muckleshoot Tribe voting at an election called by the Secretary of the Interior, in which at least 30 percent of the eligible voters shall vote, shall have adopted it and it has been approved by the Secretary of the Interior.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Muckleshoot Tribes of the Muckleshoot Reservation and was on April 4, 1936, duly ratified by a vote of 46 for, and 2 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

SAMSON DANIELS,  
Chairman of Election Board.

MORRIS LOBEHAN,  
Chairman of Muckleshoot Tribal Council

OLIVE HUNGARY,  
Secretary.

O.C. UPCHURCH,  
Superintendent.

\*\*\*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Muckleshoot Tribe of the Muckleshoot Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws, are hereby declared inapplicable to the members of the Muckleshoot Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended May 1, 1936.

JOHN COLLIER,  
Commissioner of Indian Affairs.

HAROLD L. ICKES,  
Secretary of the Interior.

[SEAL]

Washington, D. C., May 13, 1936.

\* Amendment I approved by Assistant Secretary of the Interior June 14, 1961.

\*\* Amendments II through VIII approved by Acting Secretary of the Interior March 26, 1969.

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CONSTITUTION AND BY-LAWS OF THE NISQUALLY INDIAN  
COMMUNITY OF THE NISQUALLY RESERVATION, WASHINGTON

Approved September 9,  
1946

PREAMBLE

We, the members of the Nisqually Reservation in order to establish a community organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and Bylaws for the Nisqually Indian Community.

ARTICLE I — TERRITORY

The jurisdiction of the Nisqually Indian Community shall extend to the territory within the confines of the Nisqually Reservation as established by the Treaty of Medicine Creek, December 26, 1854 (10 Stat. 1132) and by Executive Order January 20, 1857, and such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Nisqually Indian Community shall consist of:

(a). All persons of Indian blood whose names appear on the official census roll of the Nisqually Reservation as of July 1, 1945, provided that such roll may be corrected by the Community Council with the approval of the Secretary of the Interior.

(b). All children born to any member who is a resident of the Nisqually Indian Community at the time of birth of said children and who are  $\frac{1}{2}$  degree of Indian blood or more.

SEC. 2. The governing body shall have the power to promulgate ordinances subject to review by the Secretary of the Interior, governing future membership and the adoption of new members when the resources of the Community make such adoptions feasible.

ARTICLE III — THE GOVERNING BODY

SECTION 1. The governing body of the Nisqually Indian Community shall be the Community Council, which shall be composed of all qualified voters of the Nisqually Indians. Twenty-five percent of the eligible voters shall constitute a quorum.

SEC. 2. The Community Council shall elect from its own members by secret ballot (a) a chairman, (b) a vice-chairman, (c) a secretary, (d) a treasurer, and (e) such other officers and committees as may be deemed necessary.

SEC. 3. The Community Council shall meet on the first Monday of January and July. If the first Monday should fall on a legal holiday the meeting shall be held on the Tuesday following the regular meeting.

SEC. 4. Within sixty days after the ratification and approval of this Constitution and Bylaws, the Community Council shall be called for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the January meeting 1947 at which time their successors shall be chosen. Thereafter, officials shall be chosen every two years at the January meeting.

SEC. 5. The Chairman, or 10 percent of the qualified voters, may by written notice, call special meetings of the Community Council.

SEC. 6. The Business Committee shall consist of the chairman, vice-chairman, secretary, and treasurer of the Community Council, and shall perform such duties as may be authorized by that Council.

#### ARTICLE IV — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer of the Community Council shall die, permanently leave the Community, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Community Council shall declare the position vacant and shall appoint a new member to serve until the next regular election when a successor shall be elected.

SEC. 2. Upon receipt of a petition signed by one-third (1/3) of the eligible voters demanding the recall of any officer of the Community Council, it shall be the duty of the Community Council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the qualified voters shall vote in the election.

SEC. 3. The Community Council may by an affirmative vote of two-thirds (2/3) of its members expel any officer for neglect of duty or gross misconduct provided that the accused officer shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such officer shall be given a written statement of the charges against him at least 5 days before the meeting at which he is to appear.

#### ARTICLE V — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated Powers. The Community Council of the Nisqually Indian Community shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a). To negotiate with the Federal, State and local governments;
- (b). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;
- (c). To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets;
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to submission of such estimates to the Bureau of the Budget and to Congress;

- (e). To manage all economic affairs and enterprises of the Nisqually Indian Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;
- (f). To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Nisqually Indian Community; providing for the manner of making, holding, and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available funds of the Community for public purposes; providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community of persons not so licensed and establishing proper agencies for the enforcement of such ordinances upon the reservation;
- (g). To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior;
- (h). To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;
- (i). To adopt resolutions not inconsistent with this Constitution and attached By-laws regulating the procedure of the Community Council and of other Community organizations of the Nisqually Indian Community.

SEC. 2. Future Powers. The Community Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Nisqually Indians but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Nisqually Indian Community through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance, which by the terms of this Constitution shall be subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge of the reservation, who shall, within ten days after its enactment, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.



## ARTICLE VI -- BILL OF RIGHTS

SECTION 1. Suffrage. All members of the Nisqually Indian Community over the age of twenty-one (21) years shall have the right to vote in all Community elections.

SEC. 2. Economic Rights. All members of the Community shall be accorded equal opportunities to participate in the economic resources and activities of the Community.

SEC. 3. Civil Liberties. All members of the Community shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

## ARTICLE VII -- AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Community, voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least 30 percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special Community Council meeting, amendments to this Constitution and Bylaws may be proposed to be acted upon at the next semi-annual Community Council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

## BY-LAWS OF THE NISQUALLY INDIAN COMMUNITY

### ARTICLE I

It shall be the duty of the Chairman to preside over all meetings of the Community Council and carry out all orders of the Council. All members of the Council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the Council.

### ARTICLE II

The Community Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Community Council and of the Business Committee, and shall perform such other duties of like nature as the Community Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation and to the Commissioner of Indian affairs.

### ARTICLE III

The Community Council Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Community Council. He shall pay out money in accordance with the orders and resolutions of the Community Council. He shall keep account of all receipts and disbursements, and shall report the same to the Community Council at each regular meeting. He shall be bonded in such an amount as the Community Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or



inspection at the direction of the Community Council or the Commissioner of Indian Affairs. Until the treasurer is bonded, the Business Committee may make such provision for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

#### ARTICLE IV

The subordinate officers of the Community Council shall perform such duties as the Community Council may from time to time provide by resolution.

#### ARTICLE V

It shall be the duty of the Community Council and each member thereof to promote the general welfare of members of the Community, and to carry out the provisions and purposes of this Constitution and Bylaws.

#### ARTICLE VI

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws:

Oath: "I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my people, in accordance with this Constitution and Bylaws."

#### ARTICLE VII

The order of business at any regular or special meeting of the Community Council shall be as follows:

1. Call to order by the chairman
2. Roll call
3. Reading of minutes of previous meeting
4. Reports of committees
5. Report of the treasurer
6. Reading of the communications
7. Unfinished business
8. New business
9. Adjournment

#### ARTICLE VIII

The Community Council shall have the power to elect delegates to sit in a Central General Council of Northwest Indians.

#### ARTICLE IX

Ratification of Constitution and Bylaws. This Constitution and Bylaws, when adopted by a majority vote of the voters of the Nisqually Indians voting at a special election called by the Secretary of the Interior in which at least 30 percent of those en-

entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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#### CERTIFICATION OF ADOPTION

Pursuant to an order approved May 29, 1946, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Nisqually Indians Community of the Nisqually Reservation, Washington, and was on July 27, 1946, duly adopted by a vote of 17 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL LESCHI  
Chairman, Election Board.

GERTRUDE KOVER  
Secretary, Election Board.

Approved: August 1st, 1946.

GEORGE P. LAVATTA  
Superintendent, Taholah Agency.

#### APPROVAL

I, C. Girard Davidson, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Nisqually Indian Community of the Nisqually Reservation, Washington.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the members of the Nisqually Indian Community of the Nisqually Reservation, Washington.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended: Aug. 22, 1946

JOHN H. PROVINSE  
Assistant Commissioner of Indian Affairs.

C. GIRARD DAVIDSON  
Assistant Secretary of the Interior.

[SEAL]

September 9, 1946  
Washington, D. C.

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CORPORATE CHARTER OF THE PORT GAMBLE BAND OF CLALLAM

INDIANS OF THE PORT GAMBLE INDIAN COMMUNITY

WASHINGTON

Ratified April 5,  
1941

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington is a recognized Indian Tribe organized under a Constitution and By-laws ratified by the Band on August 5, 1939, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Band have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984) do hereby issue and submit this Charter of incorporation to the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community to be effective from and after such time as it may be ratified by a majority vote in an election at which at least 30 percent of the adult Indians living on the reservation shall vote.

1. Corporate Existence. In order to further the economic development of the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Port Gamble Band of Clallam Indians."

2. Perpetual Succession. The Port Gamble Band of Clallam Indians shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Port Gamble Band of Clallam Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved Constitution and Bylaws.

4. Management. The Community Council of the Port Gamble Band of Clallam Indians established in accordance with the said Constitution and Bylaws of the Band, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and Bylaws:

- (a). To adopt, use, and alter at its pleasure a corporate seal.
- (b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
- (1). No sale or mortgage may be made by the Band of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community.
  - (2). No mortgage may be made by the Band of any standing timber on any land now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community.
  - (3). No leases, permits (which terms shall not include land assignments to members of the Band) or timber sale contracts covering any land or interests in land now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community shall be made by the Band for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
  - (4). No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Port Gamble Indian Community. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Band, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Band; Provided, That the amount of indebtedness to which the Band may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$5,000 except with the express approval of the Secretary of the Interior.
- (e). To engage in any business that will further the economic well-being of the members of the Band, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

- (f). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Washington, including agreements with the State of Washington, for the rendition of public service; Provided, That any contract involving payment of money by the corporation in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g). To pledge or assign chattels or future tribal income due or to become due to the Band; Provided, That such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source; And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.
- (i). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.
- (j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

**6. Termination of Supervisory Powers.** Upon the request of the Port Gamble Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Band for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Band residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary of the Interior or by the Community Council to popular referendum of the adult members of the Band actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

**7. Corporate Property.** No property rights of the Port Gamble Band of Clallam Indians, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually-owned property of members of the Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts

of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Band may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Band, and may distribute per capita, among the recognized members of the Band, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Band shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Band to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Port Gamble Indian Community, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Community Council of the Port Gamble Band of Clallam Indians.

Submitted by the Assistant Secretary of the Interior for ratification by the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[SEAL]

Washington, D.C., March 4, 1941.

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#### CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on March 4, 1941, by the Assistant Secretary of the Interior to the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington, was duly submitted for ratification to the adult members of the Community living on the reservation and was on April 5, 1941, duly ratified by a vote of 36 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

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LESTER JACKSON,  
Chairman, Port Gamble Community Council.

MRS. CARL SPARKS,  
Secretary, Port Gamble Community Council.

O.C. UPCHURCH,  
Superintendent, Tulalip Agency.

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AMENDED CONSTITUTION AND BY-LAWS OF THE PORT GAMBLE

INDIAN COMMUNITY, WASHINGTON

Approved September 7, 1939  
Amended

PREAMBLE

We, the members of the Port Gamble Band of Clallam Indians, in order to establish a legal community organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and By-laws for the Port Gamble Indian Community.

ARTICLE I -- TERRITORY

The jurisdiction of the Port Gamble Indian Community shall extend to the territory within the confines of the Port Gamble Reservation as established by Proclamation dated June 16, 1938, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law,

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Port Gamble Indian Community shall consist of:

(a). All persons of Indian blood who are members of the Port Gamble Band of Clallam Indians whose names appear on the official census roll as of January 1, 1939, provided that such roll may be corrected by the Community Council with the approval of the Secretary of the Interior, within ten years after approval of this Constitution and Bylaws; and (Amendment I adopted September 12, 1947, and approved on January 23, 1948 by Assistant Secretary of the Interior William E. Warne.)

(b). All children born to any member who is a resident of the Port Gamble Indian Community at the time of the birth of said children.

SEC. 2. The governing body shall have the power to promulgate ordinances subject to review by the Secretary of the Interior, governing future membership and the adoption of new members when the resources of the Community make such adoptions feasible.

ARTICLE III -- THE GOVERNING BODY

SECTION 1. The governing body of the Port Gamble Indian Community shall be the Community Council, which shall be composed of all qualified voters of the Port Gamble Band of Clallam Indians. A majority of the eligible voters shall constitute a quorum.

SEC. 2. The Community Council shall elect from its own members by secret ballot (a) a chairman, (b) a vice-chairman, (c) a secretary, (d) a treasurer, and (e) such other officers and committees as may be deemed necessary.

SEC. 3. The Community Council shall meet on the first Monday of January and July.

SEC. 4. Within sixty days after the ratification and approval of this Constitution and Bylaws, the Community Council shall be called for the purpose of electing

the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 5. The Chairman, or 25 per cent of the qualified voters, may by written notice, call special meetings of the Community Council.

SEC. 6. The Business Committee shall consist of the chairman, vice-chairman, secretary, and treasurer of the Community Council, and shall perform such duties as may be authorized by that Council.

#### ARTICLE IV — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated Powers. The Community Council of the Port Gamble Indian Community shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a). To negotiate with the Federal, State and local governments.
- (b). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c). To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets.
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to submission of such estimates to the Bureau of the Budget and to Congress.
- (e). To manage all economic affairs and enterprises of the Port Gamble Indian Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior.
- (f). To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Port Gamble Indian Community; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available funds of the Community for public purposes; providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community of persons not so licensed and establishing proper agencies for the enforcement of such ordinances upon the reservation.
- (g). To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.
- (h). To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(i). To adopt resolutions not inconsistent with this Constitution and attached By-laws regulating the procedure of the Community Council and of other Community organizations of the Port Gamble Indian Community.

SEC. 2. Future Powers. The Community Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Port Gamble Band of Clallam Indians but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Port Gamble Indian Community through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance, which by the terms of this Constitution shall be subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge of the reservation, who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

#### ARTICLE V — BILL OF RIGHTS

SECTION 1. Suffrage. All members of the Port Gamble Band of Clallam Indians over the age of twenty-one (21) years shall have the right to vote in all Community elections.

SEC. 2. Economic Rights. All members of the Community shall be accorded equal opportunities to participate in the economic resources and activities of the Community.

SEC. 3. Civil Liberties. All members of the Community shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

#### ARTICLE VI — AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Community, voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least 30 per cent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special Community Council meeting, amendments to this Constitution and Bylaws may be proposed to be acted upon at the next semiannual Community Council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

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## BY-LAWS OF THE PORT GAMBLE INDIAN COMMUNITY

### ARTICLE I

It shall be the duty of the Chairman to preside over all meetings of the Community Council and carry out all orders of the Council. All members of the Council and all subordinate officers shall assist the Chairman in all proper ways to carry out the orders of the Council.

### ARTICLE II

The Community Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Community Council and of the Business Committee, and shall perform such other duties of like nature as the Community Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation and to the Commissioner of Indian Affairs.

### ARTICLE III

The Community Council Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Community Council. He shall pay out money in accordance with the orders and resolutions of the Community Council. He shall keep account of all receipts and disbursements, and shall report the same to the Community Council at each regular meeting. He shall be bonded in such an amount as the Community Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Community Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Business Committee may make such provision for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

### ARTICLE IV

The subordinate officers of the Community Council shall perform such duties as the Community Council may from time to time provide by resolution.

### ARTICLE V

It shall be the duty of the Community Council and each member thereof to promote the general welfare of members of the Community, and to carry out the provisions and purposes of this Constitution and Bylaws.

#### ARTICLE VI

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws:

Oath: "I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my people, in accordance with this Constitution and Bylaws."

#### ARTICLE VII

The order of business at any regular or special meeting of the Community Council shall be as follows:

1. Call to order by the Chairman.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the Treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

#### ARTICLE VIII

The Community Council shall have the power to elect delegates to sit in a Central General Council of Northwest Indians.

#### ARTICLE IX

Ratification of Constitution and Bylaws. This Constitution and Bylaws, when adopted by a majority vote of the voters of the Port Gamble Band of Clallam Indians voting at a special election called by the Secretary of the Interior in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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#### CERTIFICATION OF ADOPTION

Pursuant to an order, approved July 6, 1939, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Port Gamble Band of Clallam Indians and was on August 5, 1939, duly ratified by a vote of 32 for, and 7 against, in an election in which more than 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HARRY FULTON, JR.  
Chairman, Election Board

CYRUS WEBSTER  
Secretary, Election Board

O.C. UPCHURCH  
Superintendent, Tulalip Agency

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APPROVAL

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Port Gamble Indian Community in Washington.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws, are hereby declared inapplicable to the members of the Port Gamble Indian Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 15, 1939

FRED H. DAIKER  
Assistant to the Commissioner of  
Indian Affairs

OSCAR L. CHAPMAN  
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.  
September 7, 1939

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CONSTITUTION AND BY-LAWS OF THE LOWER ELWHA TRIBAL  
COMMUNITY OF THE LOWER ELWHA RESERVATION, WASHINGTON

Approved April 29, 1968

PREAMBLE

We, the residents of the Lower Elwha Reservation, in order to establish a tribal community organization, develop our community resources and promote the economic and social welfare of ourselves and our descendants, do hereby establish this constitution and bylaws.

ARTICLE I — TERRITORY

The territory of the Lower Elwha Tribal Community shall include all lands within the boundaries of the Lower Elwha Reservation which are now held in trust by the United States Government which were purchased in 1936 and 1937 under the authority of the Act of June 18, 1934 (48 Stat. 984-988, 25 U.S.C. 461-465). The jurisdiction of the community over such lands shall not be inconsistent with applicable Federal and State laws. However, nothing in this article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to hunt and fish in usual and accustomed places.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Lower Elwha Tribal Community shall consist of the following:

- (a). All persons of Indian blood whose names appear on the Articles of Association and Bylaws of the Elwha Valley Indian Community Association approved by the Commissioner of Indian Affairs on March 28, 1939, and their immediate spouses who are not now enrolled in any other tribe, band, or Indian community.
- (b). All persons of Indian blood who have received assignments on the Lower Elwha Reservation by action of the members on or before the approval of this constitution and bylaws, and their immediate spouses who are not now enrolled in any other tribe, band, or Indian community.
- (c). All persons who were born to any member as defined in subsections 1(a) and 1(b) of this article on or before the approval of this constitution and bylaws.
- (d). All persons of 1/4 degree or more Indian blood born to any member after the approval of this constitution and bylaws.

SEC. 2. The governing body of the Lower Elwha Tribal Community shall have the power to promulgate ordinances, subject to approval by the Secretary of the Interior covering the adoption of new members.



### ARTICLE III --- GOVERNING BODY

SECTION 1. The governing body of the Lower Elwha Tribal Community shall be the Lower Elwha Tribal Community Council, which shall be composed of all qualified voters of the community.

SEC. 2. The community council shall elect from its own members by secret ballot, (1) a chairman, (2) a vice chairman and (3) a secretary-treasurer, who shall be known as the business committee. The officers as elected, shall hold office for a two-year period and will be composed of persons who have established and maintained a legal residence on the reservation for a period of one year immediately preceding any election.

SEC. 3. The business committee shall have the authority to appoint committees which may be deemed necessary and shall perform such other duties as may be authorized by the council.

SEC. 4. All members of the Lower Elwha Tribal Community, twenty-one years or over, who have maintained a legal residence on the reservation, or within a five mile radius of the exterior boundary of the reservation, for one year immediately preceding any election, shall be entitled to vote in such election. However, only members who are actually residing within the exterior boundaries of the reservation shall be eligible to vote on questions relating to the disposition of land assigned to members of the community; otherwise, all adult members shall have equal voting rights. All members, regardless of residence, shall be entitled to vote in elections called by the Secretary of the Interior, or his authorized representative.

SEC. 5. Within sixty days after the ratification and approval of this constitution and bylaws, the community council shall be called for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the May 1968 meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen every two years at the May meeting.

SEC. 6. All elections shall be held in accordance with rules and regulations prescribed by an election board appointed by the business committee.

### ARTICLE IV --- POWERS OF THE GOVERNING BODY

SECTION 1. The Lower Elwha Community Council shall have the following powers to the extent that it can legally exercise them to administer the affairs of the Lower Elwha Reservation subject to any limitations imposed by applicable State laws, statutes of the United States, or published regulations of the Secretary of the Interior.

- (a). To consult, negotiate, contract or conclude agreements with Federal, State and local governments, and others, on behalf of the community and to advise and consult with their representatives on all activities which may affect the community.
- (b). To encumber, lease, permit, sell, assign, manage or provide for the management of community lands, interests in such lands or other community assets; to purchase or otherwise acquire lands or interests in lands within or without the reservation; and to regulate the use and disposition of community pro-

perty of all kinds, subject to the approval of the Secretary of the Interior or his authorized representative.

- (c). To veto the sale, disposition, lease, or encumbrance of community lands, interests in lands, or other tribal assets.
- (d). To manage community funds in accordance with approved resolutions, including the power to borrow money from any source, subject to the approval of the Secretary of the Interior or his authorized representative.
- (e). To receive advice from, and make recommendations to, the Secretary of the Interior or his authorized representative with regard to all appropriation estimates or Federal projects for the benefit of the community, before such estimates are submitted to the Bureau of the Budget and Congress.
- (f). To pass ordinances authorizing the levy and collection of taxes from members of the community; and to pass ordinances authorizing the levy and collection of taxes or license fees from nonmembers doing business on the reservation; and otherwise regulate the conduct of business activities on the reservation. Provided, that any ordinance affecting nonmembers of the Lower Elwha Reservation shall be subject to review by the Secretary of the Interior.
- (g). To adopt resolutions to remove or exclude from the reservation persons not legally entitled to reside there, or trespassers, or undesirable persons who are not affiliated with the Lower Elwha group, subject to review by the Secretary of the Interior.
- (h). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative, so long as such approval is required by law.

#### ARTICLE V — MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall within 10 days of its enactment be presented to the Superintendent or Officer in Charge of the agency exercising jurisdiction, who shall within 10 days after its receipt, approve or disapprove it.

SEC. 2. If the Superintendent or Office in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its receipt rescind the resolution or ordinance for any cause by notifying the governing body of the lower Elwha Tribal Community.

SEC. 3. If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within 10 days after its receipt, advise the governing body of the Lower Elwha Community of his reasons therefor, and if these reasons appear to the council insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing it shall become effective.

## ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer of the community council shall die, permanently leave the reservation, or shall be found guilty of a felony, or misdemeanor involving dishonesty in any Indian, State or Federal court, the community council shall declare the position vacant and shall appoint a new member to serve until the next regular election when a successor shall be elected.

SEC. 2. The members of the community council shall have the power to remove any member of the business committee by filing a petition with the secretary of the business committee, signed by at least 25 percent of the eligible voters, asking for the removal of said member: Provided, that no such person may be removed except at a special general council meeting at which he shall have an opportunity for a hearing. The vote of the qualified voters at such meeting will decide whether such person is to be removed; Provided further that 25 percent or more of the 30 days after the filing of the petition.

## ARTICLE VII — BILL OF RIGHTS

All members of the community shall be accorded equal protection of the law under this constitution and bylaws. No member shall be denied any of the rights or guarantees enjoyed by citizens under the constitution of the United States, including but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

## ARTICLE VIII — REFERENDUM

Upon receipt of a petition signed by at least 30 percent of the members of the community council, the chairman shall call a meeting of the community council within 15 days from the date the petition or request is received, to vote on any enacted or proposed ordinance or resolution. A majority of the qualified voters of the community council shall decide whether the ordinance or resolution shall be in effect, provided that at least 30 percent of the eligible voters shall vote.

## ARTICLE IX — AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of the qualified voters of the Lower Elwha Community, voting in an election called for that purpose by the Secretary of the Interior; provided that at least 50 percent of those entitled to vote shall vote in such an election but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

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## BY-LAWS

## ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The chairman of the community council shall preside over all meetings of the community council and shall carry out all orders of the council. He shall be allowed to vote only in case of a tie. He shall countersign all checks involving the expenditures of tribal funds and exercise any authority specifically delegated to him by the community council. He shall sign all correspondence.

SECTION 2. The vice chairman of the community council shall assist the chairman when called upon to do so. In the absence of the chairman he shall preside over all meetings of the community council. When so presiding he shall have all the rights, privileges, and duties as well as the responsibilities of the chairman.

SEC. 3. The secretary-treasurer shall keep an accurate record of all proceedings of each regular and special meeting of the community council and shall transmit copies of the minutes of each meeting to the Superintendent or Officer in Charge of the reservation. In addition, the secretary-treasurer shall have custody of and be responsible for all funds in the control of the community council. All checks shall be signed by the secretary-treasurer and countersigned by the chairman in accordance with properly executed resolutions. The community council shall decide when the amount of funds being handled by the secretary-treasurer has become large enough to justify the need for an annual audit or the need to deposit such funds in a federally insured bank.

## ARTICLE II — MEETINGS

SECTION 1. The community council shall meet on the first Monday of each month or on the succeeding Monday, if the first Monday is a holiday.

SEC. 2. Special meetings of the community council may be called by the chairman or by a written request of 10 percent of the qualified voters.

SEC. 3. No business shall be transacted unless a quorum is present. Thirty percent of the qualified voters shall constitute a quorum.

SEC. 4. All matters of importance shall be fully discussed during each meeting, and a reasonable attempt shall be made to secure unanimous agreement. Parliamentary procedure shall, except as otherwise provided, be governed by Robert's Rules of Order.

## ARTICLE III — ADOPTION

This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Lower Elwha Reservation, voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such an election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

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## CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on January 24, 1968, under delegated authority, the attached Constitution and Bylaws of the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington, was submitted to the qualified voters of the community and was on April 6, 1968, duly adopted by a vote of 18 for, and 13 against, in an election in which at least 30 percent of the 33 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN W. WEDDEL  
Chairman, Election Board

VIOLA B. CHARLES  
Election Board Member

BEATRICE E. CHARLES  
Election Board Member

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APPROVAL

I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Lower Elwha Tribe.

Approval Recommended:

/S/ ?  
Commissioner of Indian Affairs

(SGD.) HARRY R. ANDERSON  
Assistant Secretary of the Interior

[SEAL]

Washington, D. C.

April 29, 1968

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CONSTITUTION AND BY-LAWS OF THE PUYALLUP TRIBE OF  
THE PUYALLUP RESERVATION, WASHINGTON

Approved May 13, 1936

PREAMBLE

We, the Indians of the Puyallup Tribe of the Puyallup Reservation of the State of Washington, in order to establish a legal tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act of June 18, 1934, do hereby form an authorized tribal council, and ordain and establish this constitution and bylaws as a guide to its deliberations.

ARTICLE I — TERRITORY

The territory of the Puyallup Tribe shall extend to the restricted land within the original confines of the Puyallup Reservation boundaries, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Puyallup Tribe shall consist of:

- (a). All persons of Indian blood whose names appear on the roll of the Puyallup Tribe approved in 1929.
- (b). All children born to any member of the Puyallup Tribe who is a resident of the reservation or of the territory within a 20-mile radius of the Tacoma Hospital Reserve at the time of the birth of said children.

SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, making any necessary adjustment of property rights.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Puyallup Tribe shall be the Puyallup tribal council.

SEC. 2. This council shall consist of five members, duly elected to serve 3 years, two members being elected each year except that every third year one shall be elected.

SEC. 3. The council so organized shall elect from within its own number, (1) a chairman; (2) a vice chairman; and from within or without, (3) a secretary, and (4) a treasurer; and may appoint or employ such other officers or committees, as may be deemed necessary.

SEC. 4. The first election of the tribal council hereunder shall be called, held, and supervised by the present tribal council within 60 days after ratification and approval of this constitution.

The two candidates receiving the highest number of votes shall hold office for 3 years; the two next highest, 2 years; and the next highest, 1 year, and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the tribal council shall be called at least 60 days prior to expiration of terms of office of the members of the tribal council.

#### ARTICLE IV --- ELECTION AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1. All members of the Puyallup Tribe, 21 years of age or over, who have maintained legal residence within the reservation or within a 20-mile radius of the Tacoma Hospital Reserve for a period of 1 year immediately prior to any election, shall have the right to vote.

SEC. 2. The time and places of voting shall be designated by the tribal council.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Any qualified voter may become a candidate for membership in the tribal council. He shall file notice of his candidacy with the secretary of the tribal council at least 15 days prior to election. The list of the candidates shall be posted by the secretary of the tribal council in at least three public places within the reservation for not less than 10 days prior to the election.

SEC. 5. All elections shall be held according to the rules and regulations laid down by the council.

#### ARTICLE V --- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or officer shall die, resign, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the council shall declare the position vacant and appoint to fill the unexpired term.

SEC. 2. The tribal council may by a two-thirds vote expel any member for neglect of duty or gross misconduct after due notice and an opportunity to be heard.

SEC. 3. Upon a petition of at least one-third of the eligible voters of the Puyallup Tribe, it shall be the duty of the tribal council to call a special election to consider the recall of the member or members of the council named in such petition. In the event that a majority of those voting in such election favor such recall from office, the office shall be declared vacant and the tribal council shall proceed in the usual manner to hold an election to fill the said office.

#### ARTICLE VI --- POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated powers. The Puyallup tribal council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws:

- (a). To negotiate with the Federal, State, and local Governments on behalf of the tribe, and to advise and consult with the representatives of the Department of the Interior on all activities of the Department that may affect the Puyallup Tribe.



- (b). To employ legal counsel for the protection and advancement of the rights of the Puyallup Tribe or its members, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Secretary of the Interior.
- (c). To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of Government: Provided, That no tribal lands shall ever be sold, encumbered, or leased for a period exceeding 5 years, except for governmental purposes.
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Puyallup Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e). To make assignments of tribal land to members of the Puyallup Tribe in conformity with article VIII of this constitution.
- (f). To manage all economic affairs and enterprises of the Puyallup Tribe in accordance with the terms of a charter that may be issued to the Puyallup Tribe by the Secretary of the Interior.
- (g). To appropriate for public purposes of the tribe any available tribal funds: Provided, That any such appropriations made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.
- (h). To levy taxes upon members of the Puyallup Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees upon nonmembers doing business within the reservation subject to review by the Secretary of the Interior.
- (i). To exclude from the territory of the Puyallup Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.
- (j). To enact resolutions or ordinances not inconsistent with article II of this constitution governing the adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Puyallup Tribe.
- (k). To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Puyallup Tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.
- (l). To safeguard and promote the peace, safety, morals, and general welfare of the Puyallup Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation: Provided, That any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior.

- (m). To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Puyallup Tribe by ordinance: Provided, That any such ordinance shall be subject to review by the Secretary of the Interior.
- (n). To regulate the inheritance of property, real and personal, within the territory of the Puyallup Tribe subject to review by the Secretary of the Interior.
- (o). To regulate the domestic relations of members of the tribe.
- (p). To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
- (q). To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.
- (r). To delegate to subordinate committees or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Manner of review. -- Any resolution or ordinance which by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days after its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. The tribal council of the Puyallup Reservation may exercise such further powers as may in the future be delegated to the council by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved power. Any rights and powers heretofore vested in the tribe of the Puyallup Reservation but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Puyallup Reservation through the adoption of appropriate bylaws and constitutional amendments.

## ARTICLE VII -- BILL OF RIGHTS

SECTION 1. Suffrage. All members of the tribe over the age of 21 shall have the right to vote in all tribal reservation elections. The residence qualification established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and bylaws.

SEC. 2. Economic rights. All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the tribe.

SEC. 3. Civil liberties. All members of the tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of accused. Any members of the Puyallup Tribe accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 30 days' imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

#### ARTICLE VIII — REFERENDUM

SECTION 1. Upon a petition of at least one-third of the eligible voters of the Puyallup Tribe, or upon the request of a majority of the members of the tribal council any enacted or proposed ordinance or resolution of the tribal council shall be submitted to popular referendum and the vote of a majority of the qualified voters in such referendum shall be conclusive and binding on the council, provided that at least 30 percent of the eligible voters shall vote in such elections.

#### ARTICLE IX — LAND

SECTION 1. Allotted lands. Allotted lands, including heirship lands, within the Puyallup Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Puyallup Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior, may in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Puyallup Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. The unallotted lands of the Puyallup Reservation, and all lands which may hereafter be acquired by the Puyallup Tribe or by the United States in trust for the Puyallup Indians, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Puyallup Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands. Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands, preference shall be given, first, to cooperative associations of members of the tribe; and, second, to individual Indians who are members of the Puyallup Tribe.

SEC. 4. Grant of standard assignments. In any assignment of tribal lands, which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which have no allotted lands or interests in allotted lands.

No allotted member of the Puyallup Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated, except to the tribe, shall be entitled to receive an assignment of land as landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed \$5 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members, and shall be known as "standard assignments."

SEC. 5. Tenure of standard assignments. If any member of the tribe holding a standard assignment of land shall, for a period of 2 years, fail to use the land so assigned or use such land for any unlawful purposes, his assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any member holding a standard assignment his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Puyallup Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of exchange assignments. Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger unit of tribal land.

Assignments made under this section shall be known as "exchange assignments."

SEC. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to cooperative associations of members of the tribe, to individual members of the tribe, or, if no individual member or cooperative association of members is able and willing to rent the land at a reasonable fee, such assignments may be leased to nonmembers in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

- (a). Such lands may not be reassigned to any heir or devisee who is not a member of the Puyallup Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

- (b). Such lands may not be reassigned to any heir or devisee who already holds more than 40 acres of uncleared land, or other land or interest in land of equal value, either under allotment or under assignment.
- (c). Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared land shall be subdivided into units smaller than 20 acres, and no area of agricultural land shall be subdivided into units smaller than  $2\frac{1}{2}$  acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees, interests in tribal land or property of the same value as the assignment of the decedent.
- (d). If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Puyallup Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. Exchange of assignments. Assignments may be exchanged between members of the Puyallup Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole. All action of the tribal council with respect to such lands shall be in conformity with departmental regulations for protection of Indian range and timber resources authorized by section 6 of the act of June 18, 1934.

SEC. 12. Purchase of land by tribe. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

- (a). Land within the Puyallup Reservation, or adjacent to the boundaries thereof, which is not now in Indian ownership may be purchased by or for the Puyallup Tribe.
- (b). Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.
- (c). Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d). Land owned by any member of the tribe in excess of his needs for domestic purposes may be purchased by the tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e). Any property rights owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. Applications for assignment shall be filed with the secretary of the tribal council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than 20 days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

#### ARTICLE X -- AMENDMENTS

Amendments to the constitution and bylaws may be ratified and approved in the same manner as this constitution and bylaws.

It shall be the duty of the Secretary of the Interior, upon presentation of a resolution approved by the council, or upon presentation of a petition signed by at least one-third of the legal voters of the tribe, to call an election upon the amendment so proposed. If at least 30 percent of those entitled to vote shall vote in such election and if a majority of those voting shall approve the amendment submitted it shall be referred to the Secretary of the Interior and if approved shall become effective.

#### BY-LAWS FOR THE PUYALLUP TRIBE OF THE PUYALLUP RESERVATION

##### ARTICLE I -- DUTIES OF OFFICERS

SECTION 1. Chairman of the council. The chairman of the council shall preside over all meetings of the council, shall perform all duties of a chairman, and exercise any authority delegated to him by the council. He shall vote only in the case of a tie.

SEC. 2. Vice Chairman of the council. The vice chairman of the council shall assist the chairman when called upon to do so, and in the absence of the chairman he shall preside. When so presiding he shall have all the rights, privileges, duties, and responsibilities of the chairman.



SEC. 3. Secretary of the council. The secretary of the council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at council meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction, and Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the tribal council.

SEC. 4. Treasurer of the council. The treasurer of the council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the council at regular meetings and at such other times as requested by the council.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the tribal council, except when properly authorized so to do by resolution duly passed by the council.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the council and at such other times as the council or the Commissioner of Indian Affairs may direct.

The treasurer shall be required to give a bond satisfactory to the council and to the Commissioner of Indian Affairs.

The treasurer shall be present at all special or regular meetings of the council.

SEC. 5. Appointive officers. The duties of all appointive committees or officers of the Puyallup Tribe shall be clearly defined by resolution of the council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the council, and their activities and decisions shall be subject to review by the council upon the petition of any person aggrieved.

#### ARTICLE II -- QUALIFICATIONS OF COUNCILMEN

No person shall be a candidate for membership in the tribal council unless he shall be a member of the Puyallup Tribe and shall have resided within the reservation or within a 20-mile radius of the Tacoma Hospital Reserve for a period of at least 1 year next preceding the election, and be at least 21 years of age.

#### ARTICLE III -- CERTIFICATION OF ELECTION

It shall be the duty of the members of the tribal council to certify to the election of the duly elected council members. This shall be done within 5 days after the election, and the certificate filed with the secretary.

#### ARTICLE IV -- INSTALLATION OF COUNCILMEN

Newly elected members who have been duly certified shall be installed at the first regular meeting of the tribal council following the election upon subscribing to the following oath, which shall be administered by any authorized person and filed with the secretary of the council:



"I, \_\_\_\_\_, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the constitution and bylaws of the Puyallup Tribe to the best of my ability, so help me God."

#### ARTICLE V — SALARIES

The tribal council may prescribe such salaries of officers of members of the council as it deems advisable from such funds as may be available.

#### ARTICLE VI — TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the tribal council shall be held on the first Tuesday of each quarter, and at such other times as the council by resolution may provide, at Tacoma, Wash., at a designated building or hall where official records will be kept. Special meetings may be called by a written notice signed by the chairman or by a majority of the tribal council, and when so called the tribal council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of a majority of the members of the council.

SEC. 3. Order of business. The following order of business is established for all meetings:

- Call to order by the chairman.
- Roll call.
- Ascertainment of a quorum.
- Reading of the minutes of the last meeting.
- Adoption of the minutes by vote or common consent.
- Unfinished business.
- New business.
- Adjournment.

SEC. 4. Ordinances and resolutions. All final decisions of the council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribe.

All final decisions of the council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the chairman if no objection is heard.

In all ordinances, resolutions, or motions, the council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

SEC. 5. Legislative forms. Every ordinance shall begin with the words: "Be it enacted by the tribal council of the Puyallup Tribe, \* \* \*."

Every resolution shall begin with the words: "Be it resolved by the tribal council of the Puyallup Tribe, \* \* \*."

#### ARTICLE VII -- CENTRAL GENERAL COUNCIL

SECTION 1. The tribal council shall have the power to select delegates to sit in a central general council of Northwest Indians.

#### ARTICLE VIII -- RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and bylaws attached hereto shall be in full force and effect when a majority of the adult members of the Puyallup Tribe voting at an election called by the Secretary of the Interior in which at least 30 percent of those entitled to vote shall vote, shall have ratified such constitution and bylaws, and such constitution and bylaws shall have been thereafter finally approved by the Secretary of the Interior.

#### CERTIFICATION OF RATIFICATION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the adult members of the Puyallup Tribe of the Puyallup Reservation and were on April 11, 1936, duly ratified by a vote of 55 for and 15 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 13, 1935 (49 Stat. 378).

GEORGE YOUNG,  
Chairman of Election Board.

SILAS CROSS,  
Chairman of the Tribal Council.

SILAS J. MEEKER,  
Secretary.

O.C. UPCHURCH,  
Superintendent.

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I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Puyallup Tribe of the Puyallup Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Puyallup Tribe of the Puyallup Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended May 1, 1936.

JOHN COLLIER,  
Commissioner of Indian Affairs.

HAROLD L. ICKES,  
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., May 13, 1936.

APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I, II, III, IV, V, and VI to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation, State of Washington.

Approval Recommended:

Commissioner of Indian Affairs

HARRISON LOESCH  
Assistant Secretary of the Interior

Washington, D.C.  
Date: June 1, 1970

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AMENDMENT CONSTITUTION AND BY-LAWS OF THE PUYALLUP TRIBE  
OF THE PUYALLUP RESERVATION STATE OF WASHINGTON

AMENDMENT I

Article II, Section 1.(b) of the constitution, Membership, shall be amended to read as follows:

SECTION 1.

(b) All children born to any member of the Puyallup Tribe.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment I to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the tribe and was on April 18, 1970, duly adopted by a vote of 48 for, and 7 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board.

LENA LANDRY  
Election Board Member

FRANK WRIGHT  
Election Board Member

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#### AMENDMENT II

Article IV, Section 1, of the constitution, Election and Nominations for the Tribal Council, shall be amended to read as follows:

SECTION 1. All members of the Puyallup Tribe 21 years of age or over shall have the right to vote.

Article VII, Bill of Rights, shall be amended to read as follows:

SECTION 1. Suffrage. All members of the tribe 21 years of age or over shall have the right to vote in all tribal elections.

#### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment II to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the tribe and was on April 18, 1970, duly adopted by a vote of 49 for, and 6 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board.

LENA LANDRY  
Election Board Member.

FRANK WRIGHT  
Election Board Member.

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#### AMENDMENT III

Article V, Section 1, of the constitution, Vacancies and Removal From Office, shall be amended to read as follows:

SECTION 1. If a councilman or elected officer shall die, resign, or shall be found guilty of a felony, or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the council shall declare the position vacant and appoint to fill the unexpired term.

### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment III to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the tribe and was on April 18, 1970, duly adopted by a vote of 42 for, and 13 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board.

LENA LANDRY  
Election Board Member.

FRANK WRIGHT  
Election Board Member.

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### AMENDMENT IV

Article VI, Section 2. of the constitution, Powers of the Tribal Council, shall be amended in its entirety to read as follows:

#### SECTION 2. Manner of review.

- (a). Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall within 10 days of its enactment be presented to the Superintendent or Officer in Charge of the agency exercising jurisdiction, who shall, within, 10 days after its receipt, approve or disapprove it.
- (b). If the Superintendent or Officer in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its receipt by him rescind the resolution or ordinance for any cause by notifying the Puyallup Tribe of his veto.
- (c). If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within 10 days after its receipt, advise the Puyallup Tribal Council of his reasons therefor, and if these reasons appear to the council insufficient, it may, by vote of the majority of all members of the tribal council, refer the resolution or ordinance to the Secretary of the Interior, who shall, within 90 days of its receipt by him inform the Puyallup Tribal Council of his decision on the said resolution or ordinance, and if approved by him in writing it shall become effective.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment IV to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the Tribe and was on April 18, 1970, duly adopted by a vote of 47 for, and 6 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board

LENA LANDRY  
Election Board Member

FRANK WRIGHT  
Election Board Member.

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AMENDMENT V

Article II of the bylaws, Qualifications of Councilmen, shall be amended in its entirety to read as follows:

Any member of the Puyallup Tribe, 21 years of age or over, may be a candidate for the tribal council.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment V to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the tribe and was on April 18, 1970, duly adopted by a vote of 39 for, and 14 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board.

LENA LANDRY  
Election Board Member.

FRANK WRIGHT  
Election Board Member.

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#### AMENDMENT VI

Article VI, Section 1. of the Bylaws, Time and Place of Regular Meetings and Procedure, shall be amended to read as follows:

SECTION 1. Meetings. Regular meetings of the Tribal Council shall be held on the third Tuesday of each month, and at such other times as the Council, by resolution, may provide. Special meetings may be called by a written notice signed by the Chairman or by a majority of the Tribal Council, and when so called the Tribal Council shall have power to transact business as in regular meetings.

#### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1969, under delegated authority, the attached Amendment VI to the Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation of the State of Washington was submitted to the qualified voters of the tribe and was on April 18, 1970, duly adopted by a vote of 36 for, and 17 against, in an election in which at least 30 percent of the 105 entitled to vote cast their ballots in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL H. CLEMENTS  
Chairman, Election Board.

LENA LANDRY  
Election Board Member.

FRANK WRIGHT  
Election Board Member.

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BY-LAWS OF THE TRIBAL COUNCIL OF THE  
INDIANS OF THE QUINAULT INDIAN RESERVATION,  
WASHINGTON

Approved May 22, 1965

PREAMBLE

We, the members of the Quinault Tribe of Indians of the Quinault Reservation, hereby make and adopt the following bylaws and rules:

SECTION 1. Members: The membership of the Quinault Tribe shall be all persons whose names appear on the official roll of the Quinault Tribe. Any person shall be enrolled, who satisfies the tribal council that he meets one of the following requirements, provided that such person is not enrolled on another reservation:

(a), Blood Member: a person of at least one-quarter Quinault (including Queets) blood,

(b), Affiliated Member: a person of at least one-quarter Quileute, Hoh, Chehalis, Chinook or Cowlitz blood, who owns (or whose father or mother owns) a trust interest in an allotment on the Quinault Reservation, and who resides on the Quinault Reservation, or in Jefferson County within ten miles of the Reservation, or in Grays Harbor County.

The council may by two-thirds vote approve the adoption and enrollment as a blood or affiliated member, as the council may designate, any person not meeting the above eligibility requirements.

Voting: Adult members age 21 or more who (a) live on the Reservation, or (b) live away from the Reservation and who have attended at least three tribal council meetings within the three years preceding, shall be entitled to vote in the council. Affiliated members shall not vote on questions concerning property or rights owned exclusively by the blood members; otherwise, all adult members shall have equal voting rights.

Tribal Council: The tribal council shall consist of all voting members of the tribe who may be present at a duly called meeting. A quorum shall be 37 voting members.

SEC. 2. Meetings: There shall be one regular meeting of the council each year to be held on the last Saturday of March, unless said date shall fall on a holiday, in which case the meeting shall be held on the following day, at Taholah, to meet at 10 o'clock in the forenoon.

Special meetings may be held at any time and place by giving 10 days' notice by posting notices in conspicuous places where members of the tribe are located. Said notices to be signed by the president and secretary or by a majority of the business committee.

SEC. 3. Officers: The officers of this council shall be: President, vice-president, secretary, treasurer, and five councilmen, all such officers to constitute the business committee, and all such officers to be elected by the tribe at a general meeting.

The duties of the president shall be to preside at all meetings, call meetings when necessary, and to perform the duties usually devolving on a president.

The duties of the secretary shall be to keep the minutes of all meetings, to obtain and keep a correct record of all members of the tribe, to carefully keep the records and books of the council, and to perform such other duties as usually devolve upon a secretary.

The duties of the treasurer to receive and safely keep all money belonging to the council and to pay the same out only upon the order of the business committee.

It shall be the duty of the business committee to represent the Indians of the reservation in all matters pertaining to the tribe and in all tribal matters, arising between the sessions of the council, to follow the instructions of the council and render any aid they can to any individual member of the tribe needing assistance; to make a full report of their work; to each succeeding council, and in general to perform all of the duties of a business committee between meetings of the council.

Vacancies: Any vacancy in any of the offices shall be filled by the business committee. A majority of the business committee shall be authorized to do business.

SEC. 4. Elections: All officers shall be elected annually by a vote of the council and shall serve for 1 year or until their successors are elected. The officers elected at this first council shall serve until the next annual election.

SEC. 5. In order to provide stationery, record books, postage, and necessary expenses, the dues of this council shall be fixed at        per year.

Regularly adopted by the First Council this 24th day of August 1922.

HARRY SHALE,  
President.

W. B. ASAMS,  
Secretary.

Attest: A true copy.

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#### CERTIFICATION

On May 22, 1965, the Tribal Council of the Indians of the Quinault Indian Reservation declared the foregoing to incorporate all amendments approved by the council through May 22, 1965, and to be the official text of the Bylaws of the Tribal Council of the Indians of the Quinault Indian Reservation.

JAMES JACKSON, President

FREDERICK SAUX, Secretary

Attest: [SEAL] A true copy

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CONSTITUTION AND BY-LAWS OF THE SQUAXIN ISLAND TRIBE  
OF THE SQUAXIN ISLAND INDIAN RESERVATION, WASHINGTON

Approved July 8, 1965

PREAMBLE

We, the people of the Squaxin Island Indian Tribe of the Squaxin Island Indian Reservation in the State of Washington, in order to establish our tribal organization, to develop our community resources, to administer justice and to promote the economic and social welfare of ourselves and our descendants, do hereby establish this constitution and bylaws.

ARTICLE I -- TERRITORY

The territory in which the Squaxin Island Tribe has a beneficial ownership interest includes that portion of the Squaxin Island Reservation remaining in an unallotted status at the time of the approval of this constitution and bylaws, and any other lands which may be acquired for or by, and held in the name of, the Squaxin Island Tribe. The jurisdiction of the tribe over such lands, and over the allotted lands within the original boundaries of the Squaxin Island Reservation, shall not be inconsistent with applicable Federal and State laws. However, nothing in this Article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Squaxin Island Tribe shall consist of:

- (a). All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1940, and their children born between January 1, 1940, and the date of approval of this Constitution.
- (b). All original Squaxin Island Allottees and their direct descendants who are of 1/8 degree or more Indian blood.
- (c). All persons whose names appear on Charles Roblin's Schedule of Unenrolled Indians of the Squaxin Island Tribe as of January 1, 1919, and their direct descendants who are of 1/8 degree or more Indian blood.
- (d). Any persons who have relinquished their rights or membership in the Squaxin Island Tribe prior to the approval of this constitution and bylaws will be considered members of the Squaxin Island Tribe if, within one year from the date of approval of this constitution, they submit official evidence that they have given up their membership in any other tribe.
- (e). All persons of 1/8 degree or more Indian blood born to any member of the Squaxin Island Tribe, after the date of approval of this constitution and bylaws.
- (f). Corrections may be made in the tribal membership roll by the tribal council at any time, with the approval of the Secretary of the Interior or his authorized representative.

SEC. 2. An application for membership by adoption from any person of 1/8 degree or more Indian blood regardless of tribe, may be approved by a majority of members at a regular or special general council meeting, and must also be approved by the Secretary of the Interior.

#### ARTICLE III -- POWERS OF THE GOVERNING BODY

SECTION 1. The governing body of the Squaxin Island Indian Tribe shall be known as the Squaxin Island Tribal Council. The Council shall have the following powers and duties subject to any limitations imposed by applicable State laws or statutes of the United States and the regulations of the Secretary of the Interior:

- (a). To negotiate with Federal, State and local governments and others on behalf of the tribe and to advise and consult with representatives of the United States government on all activities which may affect the tribe.
- (b). To acquire, manage, lease, or use tribal real property and other tribal assets, together with all improvements which may be acquired by the tribe from the United States government or elsewhere, with the approval of the Secretary of the Interior wherever required by Federal law.
- (c). To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe.
- (d). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by law.
- (e). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.
- (f). To administer any funds within the control of the tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the tribal council. All expenditures of the tribal funds under the control of the tribal council shall be made only by resolution duly approved by the tribal council in regular or special meetings, and the amount so expended shall be a matter of record available to all tribal members and to the Bureau of Indian Affairs at all reasonable times.
- (g). To determine its own rules of procedures.
- (h). To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Squaxin Island Indian Tribe regarding hunting, fishing, and shell fishing.
- (i). To take such actions as are necessary to carry into effect any of the foregoing powers and duties.

#### ARTICLE IV -- MANNER OF REVIEW

SECTION 1. Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall within 10 days of its

enactment be presented to the Superintendent or Officer in Charge of the Agency exercising jurisdiction, who shall within 15 days after its receipt, approve or disapprove it.

SEC. 2. If the Superintendent or Officer in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may within 90 days of the receipt, rescind the resolution or ordinance for any cause by notifying the Squaxin Island Tribal Council of his veto.

SEC. 3. If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within 15 days after its receipt, advise the Squaxin Island Tribal Council of his reasons therefor, and if these reasons appear to the council insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing, it shall become effective.

#### ARTICLE V — ELECTIONS

SECTION 1. The Squaxin Island Tribal Council shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and one member. All shall serve for a three-year term. Those officers and members elected at the annual meeting in January, 1965, shall form the first tribal council under this constitution and bylaws.

SEC. 2. Nominations for council positions shall be made from the floor and votes are to be cast for their election by secret ballot at the annual January meeting every third year. Procedures to be followed in this election will be in accordance with an electoral code adopted by the general council. There must be at least two candidates for each position and the candidate receiving the highest number of votes shall be elected.

SEC. 3. The election will take place after all annual reports and old business have been presented. Newly elected officers will assume their duties immediately and serve until their successors have been duly elected.

SEC. 4. Any enrolled member of the tribe, 21 years of age or older, shall have the right to vote; and provided he has been domiciled within a fifty-mile radius from any point on Squaxin Island for one year immediately preceding the election, he shall be eligible to serve on the tribal council.

SEC. 5. All election disputes, including the determination of the qualifications of any voter, if questioned, will be resolved by the general council.

#### ARTICLE VI. — DUTIES OF OFFICERS

SECTION 1. The Chairman of the tribal council shall preside over tribal and general council meetings. He shall be allowed to vote only in case of a tie. He shall countersign all checks involving the expenditure of tribal funds and exercise any authorities specifically delegated to him by the tribal council. He shall sign all correspondence.

SEC. 2. The Vice-Chairman of the tribal council shall assist the Chairman when called upon to do so and in the absence of the Chairman, he shall preside. When so

presiding, he shall have all the rights, privileges, and duties, as well as the responsibilities of the Chairman.

SEC. 3. The Secretary shall prepare all tribal correspondence and shall not sign notices or documents unless authorized by the tribal council. It shall be the duty of the Secretary to keep a complete and accurate record of all matters transacted at council meetings and to submit copies of minutes of all meetings of the tribal council and general council to the Western Washington Agency. He shall mail notices of special meetings to all qualified voters at least 10 days prior to such meetings.

SEC. 4. The Treasurer shall have custody of and be responsible for all funds in the control of the tribal council. The Treasurer shall deposit all funds in Federally insured banks as directed by the tribal council and shall keep and maintain adequate and correct records of such funds and of business transactions of the tribe. The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds on hand at the annual general council meeting, and upon the request of the tribal council. The Treasurer shall not pay out or authorize payment of any funds except when properly authorized to do so by a resolution of the tribal council. All checks shall be signed by the Treasurer and countersigned by the Chairman. The tribal council shall decide when the amount of funds being handled by the Treasurer has become large enough to justify the need for an annual audit. It shall then require that the books and records of the Treasurer be audited either by a competent auditor or by a Federal employee appointed by the Secretary of the Interior or his authorized representative. The Treasurer will be required to have a surety bond satisfactory to the tribal council and to the Superintendent of the Agency. The surety bond will be obtained at the expense of the Squaxin Island Indian Tribe.

SEC. 5. The tribal council shall appoint such committees and other personnel as required and shall outline their duties and responsibilities by proper resolution.

#### ARTICLE VII -- VACANCIES AND REMOVAL

SECTION 1. If any member of the council shall die, resign, move from the area designated under Article V, Section 4 of this constitution, or shall be found guilty of a felony or misdemeanor involving dishonesty, in any Indian, Federal or State Court, a vacancy in his office shall automatically be created and at its next regular or special meeting the tribal council shall appoint someone to fill the office until the next annual meeting, at which time a successor shall be elected pursuant to Article V to fill the office for the balance of the unexpired term.

SEC. 2. The members of the general council shall have the power to remove any member of the tribal council by filing a petition with the Secretary of the tribal council, signed by at least 50 percent of the eligible voters, asking for the removal of said member of the tribal council; provided, that no such person may be removed except at a special general council meeting at which he shall have an opportunity for a hearing. The vote of the qualified voters at such meeting will decide whether such person is to be removed; provided, that 50 percent or more of the eligible voters vote in favor of removal at such meeting which shall be held within 30 days after the filing of the petition.

#### ARTICLE VIII -- MEETINGS

SECTION 1. The tribal council shall hold meetings as called either in writing



or verbally by the Chairman or three members of the council at any time when tribal business is to be transacted. No business shall be transacted unless a quorum of three voting members is present.

SEC. 2. There shall be an annual meeting of the general council on the second Sunday of January of each year. Special meetings of the general council may be called by him at the request in writing of the majority of the tribal council, or by a written request of 30 percent of the members of the general council. At either the annual meeting or at special meetings of the general council, 30 percent of the eligible tribal voters must be present to constitute a quorum.

SEC. 3. The general council shall be composed of all tribal members who are at least 21 years of age.

#### ARTICLE IX -- REFERENDUM

Upon receipt of a petition of at least 50 percent of the eligible voters of the tribe, or upon the request of the majority of the members of the tribal council, the Chairman shall call a general council meeting to be held within 30 days of receipt of such petition or request, to consider any enacted or proposed ordinance or resolution shall thereafter be in effect; provided that 50 percent or more of the eligible voters shall vote in such referendum.

#### ARTICLE X -- AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior; provided that at least 50 percent of those entitled to vote shall vote in such an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call such an election on any proposed amendment upon receipt of a petition signed by 50 percent of the qualified voters of the tribe, or by a majority of the tribal council.

#### ARTICLE XI -- BILL OF RIGHTS

All members of the Squaxin Island Tribe shall be accorded equal rights pursuant to tribal law. No member shall be denied any of the rights or guarantees enjoyed by non-Indian citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

#### ARTICLE XII -- ADOPTION

This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Squaxin Island Tribe of Indians of Washington, voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such an election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.



CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Secretary of the Interior on December 29, 1964, the attached Constitution and Bylaws of the Squaxin Island Tribe of the Squaxin Island Indian Reservation, Washington, was submitted to the qualified voters of the tribe and was on May 15, 1965, duly adopted by a vote of 29 for and 8 against, in an election in which at least 30 percent of the 67 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE M. FELSHAW  
Chairman, Election Board

FLORENCE SIGO  
Election Board Member

RUBY W. WEST  
Election Board Member

APPROVAL

I, Stewart L. Udall, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Squaxin Island Tribe of the Squaxin Island Indian Reservation, Washington.

Approval recommended:

Date: June 15, 1965

(Sgd) James E. Officer

Associate Commissioner  
Bureau of Indian Affairs

(Sgd) Stewart L. Udall

Secretary of the Interior  
[SEAL]

Washington, D. C.

Date: July 8, 1965

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CONSTITUTION AND BY-LAWS OF THE SUQUAMISH TRIBE

PORT MADISON RESERVATION, WASHINGTON

Approved July 2, 1965

PREAMBLE

We, the people of the Suquamish Indian Tribe of the Port Madison Reservation in the State of Washington, in order to establish our tribal organization, to develop our community resources, to administer justice, and to promote the economic and social welfare of ourselves and our descendants, do hereby establish this constitution and bylaws.

ARTICLE I — TERRITORY

The territory in which the Suquamish Tribe has a beneficial ownership interest includes that portion of the Port Madison Reservation remaining in an unallotted status at the time of the approval of this constitution and bylaws, and any other lands which may be acquired for or by, and held in the name of, the Suquamish Tribe. The jurisdiction of the tribe over such lands, and over the allotted lands within the original boundaries of the Port Madison Reservation, shall not be inconsistent with applicable Federal and State laws. However, nothing in this Article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Suquamish Indian Tribe shall consist of the following:

- (a). All persons of Suquamish Indian blood whose names appear on the official census roll of the tribe as of January 1, 1942; Provided, that such persons have not relinquished membership in the Suquamish Tribe or have not become enrolled as members of any other tribe, band or Indian Community; and Provided, further, that such roll may be corrected subject to the approval of the Secretary of the Interior.
- (b). All children born between January 1, 1942, and the date of approval of this constitution and bylaws, to persons who are members; Provided that those children who have been enrolled as members of other tribes shall be eligible if within one year from the date of approval of this constitution, they or their parents acting in their behalf, apply for membership in the Suquamish Tribe and they relinquish membership in the other tribe.
- (c). All persons of 1/8 or more Indian blood born to any member of the Suquamish Tribe, after the date of approval of this constitution and bylaws.

SEC. 2. An application for membership by adoption from any person of 1/8 degree or more Indian blood may be approved by a majority of tribal members present at a regular or special general council meeting, and must also be approved by the Secretary of the Interior.

### ARTICLE III — POWERS OF THE GOVERNING BODY

SECTION 1. The governing body of the Suquamish Indian Tribe shall be known as the Suquamish Tribal Council. The Council shall have the following powers and duties subject to any limitations imposed by applicable State laws or statutes of the United States and the regulations of the Secretary of the Interior:

- (a). To negotiate with Federal, State, and local governments and others on behalf of the tribe and to advise and consult with representatives of the United States government on all activities which may affect the tribe.
- (b). To acquire, manage, lease, use, and contract all tribal real property and other tribal assets, together with all improvements which may be acquired by the tribe from the United States government or elsewhere, with the approval of the Secretary of the Interior wherever required by Federal law.
- (c). To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe.
- (d). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.
- (e). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.
- (f). To administer any funds within the control of the tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the tribal council. All expenditures of the tribal funds under control of the tribal council shall be made only by resolution duly approved by the tribal council in regular or special meetings, and the amount so expended shall be a matter of record available to all tribal members and the Bureau of Indian Affairs at all reasonable times.
- (g). To determine its own rules of procedure.
- (h). To promulgate and enforce ordinances which shall be subject to approval by the Secretary of the Interior governing the conduct of members of the Suquamish Indian Tribe regarding hunting, fishing, and shell fishing.
- (i). To take such actions as are necessary to carry into effect any of the foregoing powers and duties.

### ARTICLE IV — MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall within 10 days of its enactment be presented to the Superintendent or Officer in Charge of the agency exercising jurisdiction, who shall within 10 days after its receipt, approve or disapprove it.

SEC. 2. If the Superintendent or Officer in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he

shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its receipt rescind the resolution or ordinance for any cause by notifying the Suquamish Tribe of his veto.

SEC. 3. If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within 10 days after its receipt, advise the Suquamish Tribal Council of his reasons therefor, and if these reasons appear to the council insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing it shall become effective.

#### ARTICLE V -- ELECTIONS

SECTION 1. The Suquamish Tribal Council shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and one member. All shall serve for a three year term. Those officers and members elected at the annual meeting in January, 1965, shall form the first tribal council under this constitution and bylaws.

SEC. 2. Nominations for council positions shall be made from the floor and votes are to be cast for their election by secret ballot at the annual general council meeting in January every third year. Procedures to be followed at this election will be in accordance with an electoral code adopted by the general council. There must be at least two candidates for each position and the candidates receiving the highest number of votes shall be elected.

SEC. 3. The election will take place after all annual reports and old business have been presented. Newly elected officers will assume their duties immediately and serve until their successors have been duly elected.

SEC. 4. Any enrolled member of the tribe 18 years of age or older shall have the right to vote except in those elections called by the Secretary of the Interior, in which case he shall be at least 21 years of age. Any enrolled member 21 years of age or older shall be eligible to serve on the tribal council.

SEC. 5. All election disputes, including the determination of the qualifications of any voter, if questioned, will be resolved by the general council.

#### ARTICLE VI -- DUTIES OF OFFICERS

SECTION 1. The Chairman of the tribal council shall preside over all tribal and general council meetings of the tribe. He shall be allowed to vote only in case of a tie. He shall countersign all checks involving the expenditures of tribal funds and exercise any authority specifically delegated to him by the tribal council. He shall sign all correspondence.

SEC. 2. The Vice-Chairman of the tribal council shall assist the Chairman when called upon to do so, and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary shall prepare all tribal correspondence and shall not sign notices or documents unless authorized by the tribal council. It shall be the duty of the Secretary to keep a complete and accurate record of all matters trans-

acted at council meetings and to submit copies of minutes of all meetings of the tribal council and general council to the Western Washington Agency. He shall mail notices of special meetings to all qualified voters at least 10 days prior to such meetings.

SEC. 4. The Treasurer shall have custody of and be responsible for all funds in the custody of the tribal council. The Treasurer shall deposit all such funds in such federally insured banks or elsewhere as directed by the tribal council and shall keep proper records of such funds. The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds on hand at the annual general council meeting, and upon request of the tribal council. The Treasurer shall not pay out any funds except when authorized to do so by a resolution of the tribal council and all checks must be signed by the Treasurer and countersigned by the Chairman. The tribal council shall decide when the amount of funds being handled by the Treasurer has become large enough to justify the need for an annual audit. It shall then require that the books and records of the Treasurer shall be audited by either a competent auditor or by a Federal employee appointed by the Secretary of the Interior or his authorized representative. The Treasurer will be required to have a surety bond satisfactory to the tribal council and the Superintendent of the agency. The surety bond will be obtained at the expense of the Suquamish Tribe.

SEC. 5. The tribal council shall appoint such committees and other personnel as required and shall outline their duties and responsibilities by proper resolution.

#### ARTICLE VII -- VACANCIES AND REMOVAL

SECTION 1. If any member of the council shall die, resign, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, a vacancy in his office shall automatically be created, and at its next regular or special meeting, the tribal council shall appoint someone to fill the office until the next annual general council meeting at which time a successor shall be elected pursuant to Article V to fill the office for the balance of the unexpired term.

SEC. 2. The members of the tribe shall have the power to remove any member of the tribal council by filing a petition with the Secretary of the tribal council, signed by at least 25 percent of the eligible voters, asking for the removal of said member of the tribal council; Provided, that no such person may be removed except at a special general council meeting at which he shall have an opportunity for a hearing. The vote of the qualified voters at such meeting will decide whether such person is to be removed; Provided, that 25 percent or more of the eligible voters shall vote in such meeting, which shall be held within 30 days after the filing of the petition.

#### ARTICLE VIII -- MEETINGS

SECTION 1. The tribal council shall hold meetings as called either in writing or verbally by the Chairman or three members of the council at any time when tribal business is to be transacted. No business shall be transacted unless a quorum of three voting members is present.

SEC. 2. There shall be an annual meeting of the general council on the second Sunday of January of each year. Special meetings of the general council may be

called at the discretion of the Chairman, and shall be called by him at the request in writing of a majority of the tribal council, or by a written request of 25 percent of the members of the general council. A quorum shall consist of 25 percent of the eligible voters at either the annual meeting or at special meetings.

SEC. 3. The general council shall be composed of all tribal members who are at least 18 years of age.

#### ARTICLE IX -- REFERENDUM

Upon receipt of a petition of at least 25 percent of the eligible voters of the tribe, or upon the request of the majority of the members of the tribal council, the Chairman shall call a general council meeting to be held within 30 days of receipt of such petition or request, to consider any enacted or proposed ordinance or resolution, and the vote of the majority of the qualified voters in such referendum will decide whether the enacted or proposed ordinance or resolution shall thereafter be in effect; Provided that 25 percent or more of the eligible voters shall vote in such referendum.

#### ARTICLE X -- AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call such election on any proposed amendment upon receipt of a petition signed by 30 percent of the qualified voters of the tribe, or by a majority of the tribal council.

#### ARTICLE XI -- BILL OF RIGHTS

All members of the Suquamish Indian Tribe shall be accorded equal rights pursuant to tribal law. No member shall be denied any of the rights or guarantees enjoyed by non-Indian citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

#### ARTICLE XII -- ADOPTION

This constitution and bylaws when adopted by a majority vote of the qualified voters of the Suquamish Tribe of Indians of Washington voting at an election called for that purpose by the Secretary of the Interior provided at least 30 percent of those entitled to vote, shall vote in such an election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of such approval.

#### CERTIFICATE OF RESULTS OF SUQUAMISH CONSTITUTIONAL ELECTION

Pursuant to an election authorized by the Secretary of the Interior on November 16, 1964, the attached Constitution and Bylaws of the Suquamish Tribe, Port Madison Reservation, Washington, was submitted to the qualified voters of the Tribe, and

was on May 23, 1965, duly adopted by a vote of 56 for, and 2 against, in an election in which at least 30 percent of the 112 members entitled to cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE M. FELDAN  
Chairman, Suquamish Election Board.

MARTHA GEORGE  
Member.

JAMES W. FORSMAN  
Member.

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APPROVAL

I, John A. Carver, Jr., Under Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Suquamish Tribe, Port Madison Reservation, Washington.

Approval recommended:  
James E. Officer  
Associate Commissioner  
Bureau of Indian Affairs

JOHN A. CARVER, JR.  
Under Secretary of the Interior.

[SEAL]

Washington, D. C.  
Date: July 2, 1965

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CORPORATE CHARTER OF THE SWINOMISH INDIAN TRIBAL  
COMMUNITY OF THE SWINOMISH RESERVATION, WASHINGTON

Ratified July 2, 1936  
As Amended

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Swinomish Indian Tribal Community of the Swinomish Reservation in the State of Washington constitutes a recognized Indian Tribe organized under a constitution and by-laws ratified by the Indians of the Swinomish Reservation on November 23, 1935, and approved by the Secretary of the Interior on January 27, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold I. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Swinomish Indian Tribal Community of the Swinomish Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least thirty percent of the eligible voters vote.

**SECTION 1. Purposes and Corporate Existence.** In order to further the economic development of the Swinomish Indian Tribal Community of the Swinomish Reservation in the State of Washington by conferring upon the said Community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Swinomish Indian Tribal Community".

**SEC. 2. Perpetual Succession.** The Swinomish Indian Tribal Community shall, as a Federal corporation, have perpetual succession.

**SEC. 3. Membership.** The Swinomish Indian Tribal Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and Bylaws.

**SEC. 4. Management.** The Swinomish Indian Senate established in accordance with the said Constitution and Bylaws of the Community, shall exercise all of the corporate powers hereinafter enumerated.

**SEC. 5. Corporate Powers.** The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Community, shall have the following corporate powers, in addition to all

powers already conferred or guaranteed by the Constitution and Bylaws of the Community:

- (a). To adopt, use, and alter at its pleasure a corporate seal.
- (b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
  - (1). No sale or mortgage may be made by the community of any land or interests in land, now or hereafter held by the community, unless specifically authorized by law, and then only with the consent and approval of the Secretary of the Interior.
  - (2). No leases, permits (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Community shall be made by the Community for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
  - (3). No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Swinomish Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other source, and to use such funds for the purposes authorized by the Constitution and Bylaws and the Corporate Charter of the Swinomish Indian Tribal Community, or to loan money thus borrowed to individual members or associations of members of the community; Provided, that the amount of indebtedness to which the community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed twenty-five thousand dollars (\$25,000) except with the approval of the Secretary of the Interior.
- (e). To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

- (f). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, partnership, association, or corporation, with any municipality or any county, or with the United States or the State of Washington, including agreements with the State of Washington for the rendition of public services: Provided, that any contract required by law to be approved by the Secretary of the Interior, and any contract involving payment of money by the corporation in excess of ten thousand dollars (\$10,000) shall be subject to the approval of the Secretary of the Interior.
- (g). To mortgage, pledge, or assign chattels or future income due or to become due to the community: Provided, that any such agreement shall be subject to the approval of the Secretary of the Interior.
- (h). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, and in any savings and loan association to the extent that such funds are insured by the Federal Savings and Loan Insurance Corporation, or in either case are secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds with a bonded disbursing officer of the United States to the credit of the corporation.
- (i). To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the community or by the United States to the levy of any judgment, lien or attachment upon the property of the community other than income or property specially mortgaged, pledged or assigned.
- (j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

**SEC. 6. Termination of Supervisory Powers.** Upon the request of the Swinomish Indian Senate for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Community. The termination shall be effective upon ratification by a majority vote of the adult members of the Community residing on the reservation, at an election in which at least thirty per cent of the eligible voters vote. At any time after ten years from the date of approval of this charter if the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within ninety days after its receipt, the question of its termination may then be submitted by the Secretary or by the Swinomish Indian Senate to popular referendum of the adult members of the Community actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

**SEC. 7. Corporate Property.** No property rights of the Swinomish Indian Tribal Community shall be in any way impaired by anything contained in this charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or

liabilities, without such owner's consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

SEC. 8. Corporate Dividends. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the community over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purposes. Any such distribution of income in any one year, amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Community shall be distributed except as provided herein.

SEC. 9. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.

SEC. 10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Swinomish Indian Senate which, if approved by the Secretary of the Interior, will be effective when ratified by a majority vote of the members of the Community who are twenty-one years of age or older at a referendum in which at least thirty per cent (30%) of the eligible voters vote.

SEC. 11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Swinomish Indian Tribal Community living on the Swinomish Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Swinomish Indian Senate.

Submitted by the Secretary of the Interior for ratification by the Swinomish Indian Tribal Community in a popular referendum to be held on July 25, 1936.

HAROLD L. ICKES,  
Secretary of the Interior.

Washington, D. C., July 2, 1936.

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#### CERTIFICATE OF ELECTION

This is to certify that in the election called by the Secretary of the Interior for the ratification of Charter for the Swinomish Indian Community the result was: For ratification, 63; against ratification, none.

Eligible voters, 148.

SAM KADIM,  
Chairman of Swinomish Senate.

CLARA JAMES, Clerk.

TO COMMISSIONER OF INDIAN AFFAIRS  
( Through Supt. O. C. Upchurch ).

APPROVED.

O. C. Upchurch.

\*Amendments to the original charter approved by the Department of the Interior on January 15, 1965, and ratified by the legal voters of the Swinomish Tribe on March 26, 1966.

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CONSTITUTION AND BY-LAWS FOR THE SWINOMISH IN-  
DIANS OF THE SWINOMISH RESERVATION, WASHINGTON

Approved January 27, 1936  
As Amended

PREAMBLE

We, the Indians of the Swinomish Reservation, in order to establish a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule, in accordance with and by the authority of the act of Congress of June 18, 1934, do ordain and establish this constitution for the Swinomish Indians.

ARTICLE I -- NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Swinomish Indian Tribal Community, hereinafter called the community.

SECTION 2. The jurisdiction of the Swinomish Indians shall include all the territory within the original confines of the Swinomish Reservation boundaries, as set forth by Executive order of September 9, 1873, in pursuance of article III of the Treaty of Point Elliott, January 22, 1855 (12 Stat. 928), and shall extend to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Community shall consist of:

- (a). All persons of Indian blood lawfully enrolled upon the Swinomish Indian Reservation and residing there June 1, 1935: Provided, That this section shall not affect the property rights under existing laws of the Indians of the Swinomish Reservation.
- (b). All children born to any member of the community who is a resident of the reservation at the time of birth of said children.

SEC. 2. The governing body shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the community shall consist of a council, known as the Swinomish Indian Senate.

SEC. 2. This senate shall consist of eleven (11) members duly elected to serve five (5) years, two being elected each year except in years ending in "0" or "5", when three shall be elected.



SEC. 3. The senate so organized shall elect from its own number: (1) a chairman; (2) a vice-chairman; and from within or without, (3) a secretary; (4) a treasurer: Provided, that the offices of secretary and treasurer may be combined; and may appoint or employ such other officers and committees as may be deemed necessary, such as supervisory commissioners, managers, etc., to be immediately responsible for each separate industry and activity, the direction and management of which are assumed by the senate, for example: Health, welfare, education, fisheries, agriculture, land management, horticulture, oyster culture, construction, employees, law and order, finance, etc.

SEC. 4. The first election of the senate herunder shall be called and supervised by the present tribal council at least thirty (30) days after the ratification and approval of this constitution. The three (3) candidates receiving the highest number of votes shall hold office for five (5) years, and the two next highest four (4) years, and the two next highest three (3) years; the two next highest, two (2) years; the two next highest, one (1) year; and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the senate shall be called within sixty (60) days prior to the expiration of the terms of office of its members.

#### ARTICLE IV — ELECTION AND NOMINATION FOR THE SENATE

SECTION 1. All members of the community who are twenty-one years of age or older and who have lived on the reservation, or within fifteen (15) miles of the reservation boundary, for a period of one (1) year immediately prior to any election, shall have the right to vote.

SEC. 2. The time and places of voting shall be designated by the senate.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Nomination of candidates for the senate under this constitution shall be by petition signed by not less than five (5) legal voters. A voter may sign only one petition for each office to be filled. Petitions for nominations shall be filed with the secretary of the senate at least thirty (30) days prior to the election for which the candidate makes such petition. The secretary shall determine the legality of the petitions and the eligibility of the candidates. The secretary's decision may be appealed to the senate, whose ruling shall be final. The list of the qualified candidates shall be posted by the secretary of the senate in a public place not less than two (2) weeks prior to the election.

SEC. 5. All elections shall be held in accordance with the rules and regulations laid down by the senate.

#### ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a member of the senate or official shall die, resign, or cease to live on the reservation or within fifteen (15) miles of the reservation boundary, or shall be found guilty of a felony, or misdemeanor involving dishonesty in any Indian, State or Federal court, the senate shall declare the position vacant and elect to fill the unexpired term.

SEC. 2. The senate may by a two-thirds affirmative vote expel any member for neglect of duty or gross misconduct. Before any vote on expulsion is taken on the



matter, such member shall be given an opportunity to answer any and all charges at a designated senate meeting; and the decision of the senate shall be final.

#### ARTICLE VI — POWERS OF THE SENATE

SECTION 1. Enumerated Powers. The senate of the Swinomish Indian Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws:

- (a). To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Department of the Interior on all activities of the Department that may affect the Swinomish Reservation.
- (b). To employ legal counsel for the protection and advancement of the rights of the Swinomish Indians, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c). To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding that permitted by law.
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Swinomish Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e). To make assignments of reservation land to members of the Swinomish Reservation in conformity with article VIII of this constitution.
- (f). To manage all economic affairs and enterprises of the Swinomish Reservation in accordance with the terms of a charter to be issued to the Swinomish Indians by the Secretary of the Interior.
- (g). To appropriate for salaries of tribal officials or for public purposes of the reservation any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.
- (h). To levy taxes upon members of the community and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.
- (i). To exclude from the restricted lands of the Swinomish Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

- (j). To enact resolutions or ordinances not inconsistent with article II of this constitution governing the adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Swinomish Community.
- (k). To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Swinomish Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.
- (l). To safeguard and promote the peace, safety, morals, and general welfare of the Swinomish Reservation by regulating the conduct of trade and the use and disposition of property within the reservation, provided that any ordinance directly affecting non-members of the reservation shall be subject to review by the Secretary of the Interior.
- (m). To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Swinomish Community.
- (n). To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Swinomish Reservation, subject to review by the Secretary of the Interior.
- (o). To regulate the domestic relations of members of the community subject to review by the Secretary of the Interior.
- (p). To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.
- (q). To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.
- (r). To adopt resolutions regulating the procedure of the senate itself, and of other tribal agencies and tribal officials of the reservation.
- (s). To delegate to subordinate boards or to cooperative associations, which are open to all members of the community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

**SECTION 2. Manner of review.** Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten (10) days after its receipt, approve or disapprove the same.

If the Superintendent shall approve any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within ninety (90) days from the date of receipt, rescind the said resolution or ordinance for any cause, by notifying the senate of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance within ten (10) days after its receipt by him, he shall advise the senate of his reasons

therefor. If these reasons appear to the senate insufficient, it may, by a majority vote, refer the resolution or ordinance to the Secretary of the Interior who may, within ninety (90) days from the date of its receipt, approve the same in writing, whereupon the said resolution or ordinance shall become effective.

SEC. 3. Future Powers. The Senate of the Swinomish Reservation may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved Powers. Any rights and powers heretofore vested in the tribes or bands of the Swinomish Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Swinomish Reservation through the adoption of appropriate by-laws and constitutional amendments.

#### ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage. All members of the community over the age of twenty-one (21) years shall have the right to vote in all tribal community elections. The residence qualifications established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and the attached by-laws.

SEC. 2. Economic Rights. All members of the community shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties. All members of the community may enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of Accused. Any members of the community who shall be accused of any offense shall have the right to a prompt open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

#### ARTICLE VIII — LAND

SECTION 1. Allotted Lands. Allotted lands, including heirship lands within the Swinomish Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the tribal community itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the community. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the community either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided,

SEC. 2. Tribal Lands. The unallotted lands of the Swinomish Reservation, and all lands which may hereafter be acquired by the community or by the United States in trust for the community, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold, unless specifically authorized by law, and then only with the consent and approval of the Secretary of the Interior. Tribal lands shall not be allotted to individual Indians, but may be leased to members of the community, or otherwise used by the community.

SEC. 3. Leasing of Community Lands. Community lands may be leased by the senate, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

SEC. 4. Assignments not to be granted. There shall be no further assignments of any type granted by the community: Provided, that assignments heretofore granted and in effect shall continue in effect in accordance with the terms of said assignment and the provisions of the Constitution for the Swinomish Indians of the Swinomish Reservation in effect at the time said assignment was granted.

SEC. 5. Use of Community Land. Community land, including any land under lease, shall be managed by the senate for the benefit of the entire community, and any income derived from such land shall accrue to the benefit of the community as a whole.

SEC. 6. Acquisition of land by Community. The community may acquire land, or interests in land, by purchase or otherwise, provided such acquisitions are in accordance with law.

#### ARTICLE IX — AMENDMENTS

Amendments to the constitution and bylaws may be ratified and approved in the same manner as this constitution and bylaws.

Whenever five members of the senate shall consider an amendment necessary, such amendment shall be duly approved by five or more members of the senate and sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election. If at such election the amendment is adopted by a majority of the qualified voters of the tribe voting therein and if at least thirty percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, shall thereupon take effect.

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#### BY-LAWS FOR THE SWINOMISH INDIANS OF THE SWINOMISH

#### RESERVATION OF WASHINGTON

#### ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Senate. The chairman of the senate shall preside over all meetings of the senate and of the general council, shall perform all duties of a chairman, and exercise any authority delegated to him by the senate. He shall vote only in the case of a tie.

SEC. 2. Vice-chairman of the senate. The vice-chairman shall assist the chairman when called upon so to do, and in the absence of the chairman he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the chairman.

SEC. 3. Secretary of the senate. The secretary of the senate shall conduct all community correspondence and shall keep an accurate record of all matters transacted at senate meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction and Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the senate. He shall be privileged to vote in the senate only in the event that he is an elected member thereof.

SEC. 4. Treasurer of the senate. The treasurer of the senate shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the senate, whether same be community funds or special funds for which the senate is acting as trustee or custodian. He shall deposit all such funds in such banks or elsewhere as directed by the senate, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the senate at regular meetings and at such other times as requested by the senate.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the senate, except when properly authorized so to do by resolution duly passed by it.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the senate, and at such other times as the senate or the Commissioner of Indian Affairs may direct.

The treasurer shall be required to give a bond satisfactory to the senate and to the Commissioner of Indian Affairs.

The treasurer shall be present at all special or regular meetings of the senate, but shall be privileged to vote only in the event that he is an elected member of the senate.

SEC. 5. Appointive Officers. The duties of all appointive committees or officers of the community shall be clearly defined by resolution of the senate at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the senate, and their activities and decisions shall be subject to review by the senate upon the petition of any person aggrieved.

## ARTICLE II — QUALIFICATIONS OF THE MEMBERS OF THE SENATE

No person shall be a candidate for membership in the senate unless he shall be a member of the community, and shall have lived on the reservation, or within fifteen (15) miles of the reservation boundary, for a period of one (1) year next preceding the election, and shall be at least twenty-one (21) years of age.

## ARTICLE III — CERTIFICATION OF ELECTION

It shall be the duty of the members of the senate to certify the election of the duly elected members. This shall be done within thirty (30) days after the election and the certificate shall be filed with the secretary.

#### ARTICLE IV -- INSTALLATION OF SENATORS

Newly elected members who have been duly certified shall be installed at the first regular meeting of the senate following the election upon subscribing to the following oath, which shall be administered by any authorized person and filed with the secretary of the senate: "I, \_\_\_\_\_, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States, and the constitution and by-laws of the Swinomish Indians to the best of my ability, so help me God".

#### ARTICLE V -- TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the senate shall be held on the first Tuesday of each month. The date of regular meetings may be changed by resolution of the senate. Meetings shall be held at the business office or such other places as the senate may designate from time to time. Special meetings may be called by a written notice, signed by the chairman, or by a majority of the senate, and when so called the senate shall have power to transact business as in regular meetings.

SEC. 2. Annual Election and General Council. The annual election and general council meeting shall be held on the second Saturday in February of each year, or at such other time as the senate determines, at which time the chairman shall report in detail to the council what has been done during the past year and set forth plans of the senate for the coming year. This shall be freely discussed by the general council, and the wishes of the general council may be expressed by resolution which will govern the action of the senate.

The chairman shall call special meetings of the general council at the direction of the senate or upon the written request of fifteen (15) voters.

SEC. 3. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) members of the senate. A quorum of the general council shall consist of twenty-five (25) voters at any meeting.

SEC. 4. Order of Business. The following order of business is established for all meetings:

- Call to order by the chairman.
- Roll call.
- Ascertainment of a quorum.
- Reading the minutes of the last meeting.
- Adoption of the minutes by vote or common consent.
- Unfinished business.
- New business.
- Adjournment.

SEC. 5. Ordinances and Resolutions. All final decisions of the senate on matters of general and permanent interest to the members of the community shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the community.

All final decisions of the senate on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials



(such as adoptions of members, instructions for community employees or rules of order for the senate) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed, or by the ruling of the chairman if no objection is heard.

In all ordinances, resolutions or motions, the senate may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

SEC. 6. Legislative Forms. Every ordinance shall begin with the words: "Be it enacted by the Swinomish Indian Senate \* \* \*"

Every resolution shall begin with the words: "Be it resolved by the Swinomish Indian Senate \* \* \*"

Every ordinance or resolution shall contain a citation of the provisions of the Swinomish Constitution under which authority for said ordinance or resolution is found.

#### ARTICLE VI — CENTRAL GENERAL COUNCIL

SECTION 1. The senate shall have the power to select delegates to sit in a central general council of Northwest Indians.

#### ARTICLE VII — ADOPTION

This constitution and bylaws attached hereto shall be in full force and effect whenever a majority of the adult Indians residing on the Swinomish Reservation voting at an election called by the Secretary of the Interior in which at least thirty (30%) percent of the eligible voters shall vote, shall have ratified such constitution and bylaws, and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

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#### CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 21, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the Indians of the Swinomish Reservation and was on November 16, 1935, duly ratified by a vote 37 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Pub. No. 147, 74th Cong.).

MARTIN J. SAMPSON,  
Chairman of Election Board.  
GEORGE ALEXANDER,  
Chairman of Swinomish Indian Senate.  
CLARA (WILBUR) JAMES,  
Secretary.

O.C. UPCHURCH, Superintendent.



I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended do hereby approve the attached constitution and bylaws of the Indians of the Swinomish Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Indians of the Swinomish Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended January 20, 1936.

WILLIAM ZIMMERMAN, JR.

Assistant Commissioner of Indian Affairs.

CHARLES WEST,  
Acting Secretary of the Interior.

[SEAL]

Washington, D. C., January 27, 1936.

\*Amendments to the original constitution and bylaws approved by the Department of the Interior on January 15, 1965, and adopted by the legal voters of the Swinomish Tribe on March 26, 1966.

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CONSTITUTION AND BY-LAWS OF THE BURNS PAIUTE

INDIAN COLONY OF BURNS, OREGON

Approved June 13, 1968

PREAMBLE

We, the members of the Burns Paiute Indian Colony of Burns, Oregon, seeking divine guidance under God, in order to promote justice, insure tranquility, encourage the general welfare, safeguard our interests, secure the blessings of freedom and liberty for ourselves and for our posterity, and in order to establish a legal tribal organization and to secure certain privileges and powers afforded to us under applicable Federal and State statutes, do hereby ordain and establish this constitution and bylaws.

ARTICLE I --- OBJECTIVES

It shall be the object of the Burns Paiute Indian Colony, Burns, Oregon:

- (a). To exercise and protect any individual or colony rights arising from any source including but not limited to tradition, Federal Statute, State Statute, common law, or otherwise.
- (b). To promote with assistance from Federal and State Governments, more self-help in colony guidance as the members attain ability to control their affairs, and to achieve a maximum degree of self-government in all colony affairs.
- (c). To maintain improvements of land and resources, advance in education, improve the health, and participate in other civic activities as an organized group for the betterment of the Burns Paiute Indian Colony.

ARTICLE II --- TERRITORY

The territory of the Burns Paiute Indian Colony shall be composed of all lands held in trust by the United States for the colony.

ARTICLE III --- MEMBERSHIP

SECTION 1. The membership of the Burns Paiute Colony shall consist of:

- (a). All persons of Paiute Indian blood whose names appear on the official Census Roll dated January 1, 1940, or the descendants thereof, who were not enrolled as members of another tribe or band; Provided, that such roll may be corrected by the Burns Paiute Indian Colony Council with approval of the Secretary of the Interior; Provided Further, that within 90 days from the effective date of this constitution those persons of Paiute Indian blood who otherwise meet the requirements but are enrolled elsewhere preceding adoption of this constitution and bylaws, may by relinquishment of membership with another tribe, band, or group, be enrolled as a member of the Burns Paiute Indian Colony.

(b). All children born to any member of the Burns Paiute Indian Colony, provided the child is of 1/4 or more Burns Paiute Indian blood quantum, whose blood quantum shall be based on blood degree of parents shown on the 1940 roll.

SEC. 2. The Burns Paiute Indian Colony General Council shall have the power to promulgate ordinances subject to approval by the Secretary of the Interior, covering future membership or loss of membership and the adoption of new members.

#### ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Burns Paiute Indian Colony shall be the colony general council, which shall be composed of all the qualified voters of the colony. A majority of the qualified voters shall constitute a quorum.

SEC. 2. A business committee composed of the five (5) officers of the general council shall conduct the regular business of the colony as directed by duly enacted ordinances and resolutions of the general council and the constitution and bylaws.

#### ARTICLE V — ELECTIONS

SECTION 1. Council Officers. The general council shall elect the following officers from its members by secret ballot:

- (a) Chairman
- (b) Vice Chairman
- (c) Secretary-Treasurer
- (d) Two Councilmen-at-large

SEC. 2. Nominations and Election. The nomination and election of colony officials shall be conducted in accordance with rules and regulations set forth in an election ordinance. Within sixty (60) days from the date of approval of this constitution and bylaws, a general council meeting shall be held for the purpose of electing the officers named herein. The officers elected at this meeting shall serve as follows: chairman and vice chairman, two years or until the 1970 election; secretary-treasurer and one councilman-at-large, three years or until the 1971 election; the remaining councilman-at-large, one year or until the 1969 election. Thereafter, elections shall be held during the first week of March of each year and the tenure in office shall be three years and until successors duly assume office.

SEC. 3. Qualifications of Voters. All members of the Burns Paiute Indian Colony who are twenty-one (21) years of age or over, and who have physically resided within the colony or the community of Burns, Oregon, for a period of one year immediately prior to any election, are qualified to vote in such election and are qualified to serve as officers of the general council.

SEC. 4. Subcommittees. Subcommittee members and other colony officials, as may be deemed necessary from time to time to conduct the business of the colony, shall be elected from the council membership by secret ballot. Duties and tenure shall be set forth in duly adopted resolutions.

SEC. 5. Vacancies. Any council office that becomes vacant, other than from the expiration of the term of an incumbent office holder shall be filled by a majority vote of the qualified voters acting at a general council meeting called for that purpose. Any person filling a vacancy shall hold office for the unexpired term of the person he succeeds.

SEC. 6. Removal. Council officers may be removed from office in accordance with an ordinance adopted pursuant to Article VII, Section 1(f) of this constitution.

#### ARTICLE VI — MEETINGS

SECTION 1. Regular Meetings. The general council shall convene on the first Friday of each quarter at a place designated by the business committee where official records shall be available. A majority of the qualified voters shall constitute a quorum.

SEC. 2. Special Meetings. The chairman, three members of the business committee, or 25 percent of the qualified voters may by written notice call special meetings of the general council.

SEC. 3. Business Committee Meetings. shall be called by the chairman as needed or as directed by the general council. Three (3) members shall constitute a quorum. The committee shall establish rules for the conduct of its business, except as it may be directed by the general council.

#### ARTICLE VII — POWERS OF THE GENERAL COUNCIL

SECTION 1. Enumerated Powers. The general council of the Burns Paiute Indian Colony shall exercise the following powers, subject to any limitations imposed by the statutes or Constitution of the United States:

- (a). To consult, negotiate, and contract or conclude agreements with Federal, State, or local governments, and other persons, and to advise and consult with their representatives on all activities which may affect the Burns Paiute Indian Colony.
- (b). To employ legal counsel, the choice of counsel, and fixing of fees to be subject to approval by the Secretary of the Interior.
- (c). To veto any sale, disposition, lease or encumbrance of colony lands, in interests in lands, or other community assets of the Burns Paiute Indian Colony.
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Burns Paiute Indian Colony prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e). To enact ordinances, which shall be subject to approval by the Secretary of the Interior, dealing with such law and order matters as have not been assumed by the State pursuant to Public Law 280, 83rd Congress, domestic relations and welfare; providing for the manner of making, holding and revoking assignments of colony land; providing for the levying of taxes and fees; and governing the exclusion of nonmembers from colony lands. To enact ordinances to protect the health and welfare of the members of the colony and for other purposes considered in the best interest of the colony.
- (f). To enact ordinances dealing with the nomination and election of officials. To enact an ordinance governing removal from office for specified cause, said ordinance to provide the specific grounds for removal, notification to

the accused of charges against him and an opportunity for the accused to reply in his own defense.

- (g). To manage all economic affairs and enterprises of the Burns Paiute Indian Colony.
- (h). To borrow money from any source with the approval of the Commissioner of Indian Affairs and to pledge future income as security for such loan(s).
- (i). To manage colony funds in accordance with an annual budget approved by the Commissioner of Indian Affairs, and in accordance with the procedures outlined in a Burns Paiute Indian Colony plan of operations.
- (j). The colony council shall encourage and promote among the members of the community by every practical means, a proper system of education for members of all ages in such subjects as Home Economics, Hygiene, child care and training, etc., cooperating with State and Federal Departments and Agencies which seek to promote such work.
- (k). To delegate to any subordinate committees or officials of the Burns Paiute Indian Colony, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
- (l). To adopt resolutions not inconsistent with this constitution and bylaws, regulating the procedure of the colony general council itself and other colony organizations it may establish.

#### ARTICLE VIII — LAND

As authorized by law, the Burns Paiute Indian Colony shall have the authority, providing funds are available, to purchase land with the approval of the Commissioner of Indian Affairs as provided by a Land Purchase and Land Use Program approved by the Commissioner of Indian Affairs. The said program to also include provisions for homesite leases for colony members and other colony development projects.

#### ARTICLE IX — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Burns Paiute Indian Colony voting at an election authorized for that purpose by the Commissioner of Indian Affairs; Provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs.

It shall be the duty of the Commissioner of Indian Affairs to authorize an election on any proposed amendment upon presentation of a request by the Burns Paiute Business Committee, a resolution from the general council or a petition signed by 20 percent of the qualified voters of the colony.

#### ARTICLE X — BILL OF RIGHTS

SECTION 1. Nothing contained in this constitution and bylaws shall serve to abrogate any rights of an individual member of the Burns Paiute Indian Colony as an American Citizen.

SEC. 2. All members of the Burns Paiute Indian Colony shall be accorded equal opportunities to participate in the economic resources and activities of the colony.

SEC. 3. All members of the Burns Paiute Indian Colony may enjoy without hindrance, freedom of worship, speech, press and assembly.

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#### BY-LAWS OF THE BURNS PAIUTE INDIAN COLONY

##### ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman. The chairman of the general council shall preside over all meetings of the general council and of the business committee. He shall perform all duties of a chairman. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman. The vice-chairman of the general council shall perform the duties of the chairman in the absence of the chairman.

SEC. 3. Secretary-Treasurer. The secretary-treasurer of the general council shall conduct all correspondence and keep a complete record of all matters transacted at general council and business committee meetings. He shall account for all general council and business committee funds coming into his custody and shall furnish a bond acceptable to the general council and the Commissioner of Indian Affairs. Disbursements of such funds shall be covered by vouchers approved by the business committee and Superintendent or other officer in charge of the Burns Paiute Indian Colony.

SEC. 4. Councilmen and Subordinate Officials. Councilmen and any other colony officials shall perform such duties as the council or business committee may prescribe from time to time by resolution.

##### ARTICLE II — RULES OF OPERATING PROCEDURE

The method of conducting meetings of the general council shall be in accordance with an ordinance adopted by the general council.

##### ARTICLE III — RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and bylaws, when adopted by the majority vote of the voters of the Burns Paiute Indian Colony, voting at a special election authorized by the Commissioner of Indian Affairs in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Commissioner of Indian Affairs for his approval. It shall be in force from the date of such approval.

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##### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Deputy Assistant Commissioner of Indian Affairs on April 10, 1968, under delegated authority, the attached Constitution and Bylaws of the Burns Paiute Indian Colony, was submitted to the qualified

voters of the tribe and was on May 16, 1968, duly adopted by a vote of 70 for, and 1 against, in an election in which at least 30 percent of the 108 entitled to vote cast their ballots.

DOYNE L. A?LD?P,  
Chairman, Election Board.

ROSE CARLSON,  
Election Board Member.

CHARLOTTE TURNER,  
Election Board Member.

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#### APPROVAL

This constitution and bylaws, having been proposed and duly adopted on May 16, 1968, by the members of the Burns Paiute Indian Colony of Burns, Oregon, at an election authorized by the Acting Deputy Assistant Commissioner of Indian Affairs, is hereby approved.

ROBERT L. BENNETT,  
Commissioner of Indian Affairs.

Washington, D. C.  
June 13, 1968

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CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES  
OF THE UMATILLA RESERVATION IN OREGON

[Cayusa, Umatilla, and Walla Walla]

Approved December 7, 1949

We, the people of the Umatilla Indian Reservation in the State of Oregon, do hereby ordain and establish this Constitution and Bylaws.

ARTICLE I — NAME

The tribal organization shall be called the "Confederated Tribes of the Umatilla Indian Reservation", and shall include Indians of the Cayuse, Umatilla, and Walla Walla Tribes.

ARTICLE II — PURPOSE

The purpose and powers of the Confederated Tribes shall be, within law, to exercise and protect all existing and future tribal rights arising from any source whether treaty, federal statute, state statute, common law, or otherwise; to achieve a maximum degree of self-government in all tribal affairs; and to protect and promote the interests of the Indians of the Umatilla Indian Reservation.

ARTICLE III — TREATY RIGHTS

This Constitution and Bylaws is not adopted under the Indian Reorganization Act, also known as the "Wheeler-Howard Act." No tribal right of any kind shall be weakened, impaired, or surrendered by the adoption of this Constitution and Bylaws.

ARTICLE IV — MEMBERS

The membership of the Confederated Tribes shall consist, as follows, of:

- (a). All persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949; provided, that corrections may be made in said roll by the General Council within five (5) years from the adoption and approval of this Constitution and Bylaws, subject to the approval of the Secretary of the Interior or his authorized representative.
- (b). All children born to enrollees of the Confederated Tribes, who are of at least one-fourth (1/4) degree of blood of the Confederated Tribes. Where only one parent of such children is an enrollee of the Confederated Tribes, the children may become members only upon application accepted by the General Council.
- (c). Any other person of blood of the Confederated Tribes may, upon application, be admitted by a majority vote of the General Council to participate in tribal government and to vote and to hold office. It is expressly understood, however, that such persons shall not participate in any right or claim arising out of treaties to which the Confederated Tribes are a party.

ARTICLE V — GENERAL COUNCIL

SECTION 1. The General Council shall consist of all members of the Confederated Tribes of the age of eighteen (18) years or over. The General Council shall be the sole judge of the qualification of its own members.

SEC. 2. The General Council shall elect its own officers, and shall also elect the members of the Board of Trustees (formerly called the Umatilla Tribal Business Committee), as hereinafter provided; and the General Council shall have the power to demand reports from its officers and from the said Board, and to recall its officers or the members of the Board, as hereinafter provided.

SEC. 3. The officers of the General Council shall be a Chairman, a Vice-Chairman, a Secretary, and Interpreter, and such other officers as the General Council may from time to time create and fill. Their duties shall be as follows:

- (a). The Chairman shall preside at all meetings of the General Council, shall attest the minutes thereof, shall appoint temporary officers in the absence of the duly elected officers, and shall perform such other duties as are placed upon him by this Constitution and Bylaws. He shall vote only in case of a tie.
- (b). The Vice-Chairman shall act in place of the Chairman in the event of his absence or disability, or at his request.
- (c). The Secretary shall keep, prepare, and sign the official minutes of the meetings of the General Council, and, subject to the direction of the Chairman, prepare an order of business in advance of each meeting of the General Council.
- (d). The Interpreter shall interpret what is said at meetings of the General Council from the English language to the commonly understood Indian language, and vice versa, whenever necessary to full understanding by all members.

SEC. 4. Meetings of the General Council may be called by the Chairman of the General Council, by the Board of Trustees, or by petition signed by at least twenty (20) members of the General Council. Notice of each meeting, stating time, place, and purpose thereof, and signed by the Chairman of the General Council or the Superintendent of the Umatilla Indian Reservation, shall be posted in public places at the Umatilla Indian Agency Headquarters, and at Cayuse, Thornhollow and Gibbon, Oregon, at least twenty (20) days before the meeting. If the Chairman of the General Council, or the Board of Trustees, shall certify that an emergency exists, the meeting may be called upon five (5) days notice.

SEC. 5. (a) Not more than thirty (30) nor less than twenty (20) days after this Constitution and By-laws is ratified by vote of the adult members of the Confederated Tribes, and approved by the Secretary of the Interior or his representative, as provided hereafter in Article VIII, the first election of officers of the General Council, and of members of the Board of Trustees, shall be held. Thereafter elections for said positions shall be held every year in the month of November, and the successful candidates shall assume office on the first day of December following the election. The date of said first election, and the rules for conducting it, shall be determined by the Umatilla Tribal Business Committee then in office.

(b). Officers of the General Council shall hold office for a period of one (1) year, or until their successors are elected and take office. The terms of the officers elected at the first election hereunder shall expire on December 1, 1949.

(c). Members of the Board of Trustees shall each hold office for a period of two (2) years, or until their successors are elected and take office, except that in the first election of said members, the four nominees receiving the highest number of votes shall hold office until December 1, 1950, and the four nominees receiving the next highest number of votes shall hold office until December 1, 1949.

(d). The Chairman and the Secretary of the General Council shall certify as to the results of all elections of officers of the General Council, or members of the Board of Trustees, held hereunder.

SEC. 6. Any officer of the General Council, or any member of the Board of Trustees, may be removed from office by majority vote of the General Council upon the filing with the Board of Trustees of a recall petition signed by at least fifty (50) members of the General Council. Such petition shall state clearly the charges against the individual whose recall is sought. It shall be the duty of the Board of Trustees, when a recall petition is filed in proper form with sufficient signatures, forthwith to call an election of the General Council to vote upon the petition. The individual sought to be recalled shall have the right to see the said petition at least twenty (20) days before the said election, and to appear at the election and answer the charges made against him.

SEC. 7. A quorum of the General Council shall consist of thirty (30) members. Voting may be by show of hands, or by secret ballot, as the Chairman shall direct; and for members of at least one-fourth (1/4) degree of blood of the Confederated Tribes unable to attend meetings of the General Council, the Board of Trustees may provide for voting by mail and by ballot box,

#### ARTICLE VI — BOARD OF TRUSTEES

SECTION 1. The governing body of the Confederated Tribes shall be a Board of Trustees. Subject to limitations imposed by the Statutes or Constitution of the United States, the Board of Trustees shall have the following powers:

- (a). To represent the tribes and to negotiate with Federal, State and local governments and to advise with representatives of the Interior Department on appropriations, projects, and legislation that affect the tribes.
- (b). To manage all affairs of the Confederated Tribes, including the administration of tribal lands, fund, timber and other resources, under appropriate contracts, leases, permits, and loan or sale agreements.
- (c). To appoint committees, including members of the General Council who are not members of the Board of Trustees, and to delegate authority to said committees, and to provide per diem compensation and reimbursement of expenses incurred by officers of the General Council, members of the Board of Trustees and committee members while acting on official tribal business.

- (d).To promulgate and enforce ordinances governing the conduct of members of the tribes, providing for the procedure of the Board of Trustees, and carrying out any powers herein conferred upon the Board of Trustees.
- (e).To exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government.

SEC. 2. The members of the Board of Trustees shall consist of the Chairman of the General Council, as ex officio member with the right to vote, and eight (8) members of the General Council elected by the General Council. No member shall be qualified to act as a member of the Board of Trustees who is a non-resident of the Umatilla Indian Reservation. The Board of Trustees shall be the sole judge of the qualifications of its members.

SEC. 3. The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, a Treasurer and a Secretary. Their duties shall be as follows:

- (a).The Chairman as chief executive officer of the Board of Trustees shall preside over all meetings of the Board of Trustees, affix his signature to official documents, countersign warrants duly drawn by the Treasurer against the tribal funds, and shall vote only in case of a tie.
- (b).The Vice-Chairman shall preside at meetings and otherwise act in full capacity of the Chairman in the absence or disability of the Chairman, or at his request.
- (c).The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records, etc., of the Board of Trustees and affix his signature to official documents.
- (d).The Treasurer shall accept, receipt for, and safeguard all funds of the tribes under his custody as directed by the Board of Trustees, and keep a complete record of receipts and expenditures. He shall be a bonded officer and shall not disburse any funds of the tribes except as duly authorized by the Board of Trustees, and he shall report his accounts and all financial transactions at a meeting upon request of the General Council or the Board of Trustees.

The Chairman of the General Council may, but need not necessarily, be elected as Chairman of the Board of Trustees. The Board may remove any of its officers at any time by a majority vote of the whole Board.

SEC. 4. The Board of Trustees shall hold regular monthly meetings at such time and place as it shall fix. Special meetings of the Board may be called by the Chairman of the Board, or by written request of any three (3) members thereof, upon at least two (2) days' personal notice of each member of the time, place and purpose. At all meetings of the Board, whether regular or special, five (5) members shall constitute a quorum. All meetings shall be open to any member of the General Council.

SEC. 5. Whenever, in the opinion of a majority of the entire Board of Trustees, any member of the Board of Trustees has been guilty of gross neglect of duty, it shall certify its opinion, together with the reasons therefor, to the General Council, which shall have the power to remove said member from office and to elect a successor.

The member who is so accused shall have the right to receive a copy of the charges against him at least twenty (20) days in advance of the meeting of the General Council at which the question of removal and of selection of a successor are to be voted on, and shall be entitled to appear at said meeting and answer said charges.

SEC. 6. Vacancies in the Board of Trustees shall be filled by the General Council at an election called for that purpose.

SEC. 7. The Board of Trustees shall have custody of its letters, documents, records, and minutes, as well as those of the General Council.

#### ARTICLE VII — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the members of the General Council at an election called for that purpose by resolution of the Board of Trustees or majority vote of the General Council, provided that such amendment receives at least fifty (50) affirmative votes. The notice of said election shall set forth the proposed amendment in full. No amendment shall become effective until approved by the Secretary of the Interior or his authorized representative.

#### ARTICLE VIII — RATIFICATION

This Constitution and Bylaws shall become effective upon ratification by a majority vote of those adult members of the Confederated Tribes who shall vote as authorized by the Commissioner of Indian Affairs, and subsequent approval by the Secretary of the Interior or his authorized representative.

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#### CERTIFICATION OF ADOPTION

Pursuant to an order approved on May 27, 1949, by the Assistant Commissioner of Indian Affairs, the attached Constitution and Bylaws was duly submitted to the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, for ratification, and was on November 4, 1949, duly ratified by a vote of 113 for, and 104 against.

Election Committee:

MARY E. DICK  
LOUISE M. ELK  
AARON MINTHORN  
CLARENCE BURKS  
GILBERT E. CONNER  
SAMUEL KASH KASH  
DAVID S. HALL  
ISAAC B. PATRICK

#### APPROVAL

This Constitution and Bylaws, having been proposed and duly ratified by the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, on November 4, 1949, at a referendum called by the Commissioner of Indian Affairs, is hereby approved.

Washington, D. C., Dec. 7, 1949

WILLIAM E. WARNE,  
Assistant Secretary of the Interior

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REVISED CONSTITUTION AND BY-LAWS OF THE KALISPEL INDIAN COMMUNITY  
OF THE KALISPEL RESERVATION

[Cf., p. 20 of  
Part I]

Approved July 28, 1969

PREAMBLE

We, the Kalispel Band of Indians of the Kalispel Reservation, in order to form a more unified, workable tribal organization, do hereby amend and revise our tribal constitution and bylaws so that it reads as follows:

ARTICLE I -- TERRITORY AND JURISDICTION

The territory governed by the Kalispel Indian Community shall be comprised of all the geographic area within the confines of the Kalispel Reservation established by Executive Order dated March 23, 1914, and any other lands thereafter added thereto.

The jurisdiction of the Kalispel Indian Community extending to all of said territory and over its members shall be the jurisdiction common to Indian tribes and not in conflict with legally accepted jurisdiction of the United States Government or of the State of Washington in the same geographical area or over the same people.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Kalispel Indian Community shall consist of:

- (a). All persons of Indian blood whose names appear on the official census roll of the Kalispel Indians as of April 1, 1934. Such roll may be corrected subject to the approval of the Secretary of the Interior.
- (b). All children born to any member of the Kalispel Indian Community prior to the effective date of this revised constitution and all children of one-fourth or more degree of Indian blood, born subsequent to the effective date of this constitution to any member of the Kalispel Indian Community who is one-fourth or more degree Kalispel Indian blood.

SEC. 2. The business committee shall have the power to enact ordinances subject to this revised constitution and bylaws and to the approval of the Secretary of the Interior or his authorized representative, governing future membership, adoptions and loss of membership in the Kalispel Indian Community.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Kalispel Indian Community shall be a business committee.

SEC. 2. The business committee, consisting of seven (7) members, shall consist of a chairman, vice chairman, secretary-treasurer, and four (4) other members and shall be subject to the following rules of eligibility.



- (a). Each must be an enrolled member of the Kalispel Indian Community and be at least 21 years of age, except that a non-Kalispel of at least one-fourth Indian blood who is married to a Kalispel and/or has children on the Kalispel roll and who at the time of his election is, and has for at least ten (10) years immediately prior thereto, physically resided on the Kalispel Reservation shall be eligible to serve on the committee but not as an officer.
- (b). The three officers and all the other members of the business committee must reside and have physically resided for the previous year within fifteen (15) miles of the reservation except that two members at large, not officers, may reside and have resided as far as one hundred twenty (120) miles from the reservation.

#### ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The candidates for membership on the business committee, except for the initial election pursuant to this article, shall be nominated and voted on by secret ballot at a meeting of the Kalispel Community Council on the second Wednesday of June of each year, or on any subsequent date to which the meeting is recessed or postponed. However, such postponement shall not exceed thirty (30) days.

- (a). The Kalispel Community Council shall consist of all the voting members of the Kalispel Indian Community.
- (b). The word "tribe" whenever used herein is synonymous with the "Kalispel Indian Community".

SEC. 2. The first election of the business committee shall be called by the existing business committee within sixty (60) days following the approval of this constitution and bylaws by the Secretary of the Interior.

SEC. 3. All positions on the business committee shall be filled at the first election and at each subsequent annual election. The term of office shall be for one year and until those duly elected assume office, except as modified pursuant to Section 7(b) of this article. Each of the officers shall be elected separately with community council members voting first for chairman, then for vice chairman, then for secretary-treasurer and, finally, in a group for the remaining members until such time as the community council may duly delegate the selection of officers to the business committee pursuant to Section 7(c) of this article.

SEC 4. Should more than one candidate living more than fifteen (15) miles from the reservation be among four receiving the highest number of votes, only the two top vote-getters of such candidates will be entitled to be declared elected and any other such candidates will be ignored in listing the top four vote-getters.

SEC. 5. All elections shall be held in accordance with rules laid down by the business committee, except that only the community council may take binding action concerning the matters listed in Section 7 of this article.

SEC. 6. Any qualified member of the tribe who is enrolled or is entitled to enrollment and who is twenty-one (21) years of age or over shall be entitled to vote. He must be present to vote. No proxies or absentee ballots shall be allowed.



SEC. 7. Notwithstanding the provisions of Section 2, Article III and Section 3 of this article, the community council, meeting in a special meeting called for that purpose, may change the makeup of the business committee, terms of office, election procedures and the method of selecting officers as follows:

- (a). It may reduce the number of business committee members to five (5).
- (b). It may provide for staggered three-year terms of the members of the business committee.
- (c). It may provide that the officers be elected by the members of the business committee rather than by the community council.
- (d). If it adopts change c, it may also provide that all the candidates in any election be voted on at the same time on a single ballot with the polls open for voting for at least an eight (8) hour period.
- (e). It may delete the provisions allowing a non-Kalispel to serve on the committee, and if it reduces the size of the business committee to five (5), may delete or limit to one person the provision allowing members living more than fifteen (15) miles from the reservation to serve on the committee.

SEC. 8. Except for 7(d) which can be adopted only if 7(c) is also adopted, the community council may adopt any one or more of the changes listed in Section 7 and the changes it does adopt need not be adopted at the same time but may be adopted over a period of time without limitation, Provided, however, that once any listed change is adopted it may not be changed again without going through the process for amending this constitution.

SEC. 9. No person is eligible to be a candidate for a position on the business committee who within one year prior to the election has been convicted of a felony or of a misdemeanor involving dishonesty.

#### ARTICLE V --- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Vacancies may occur on the business committee by reason of any of the following:

- (a). By death or resignation of the member.
- (b). By a member being convicted of a felony or of a misdemeanor involving dishonesty.
- (c). By a member having been expelled or suspended from the committee by a majority vote of the community council at a meeting called for that purpose or by a vote of at least five (5) of the seven (7) members of the business committee --- three (3) of the five (5) members, should Article IV, Section 7(a) be adopted --- by reason of neglect of duty, gross misconduct, repeated, unexcused absences or because of the member becoming mentally or physically incapable of performing his duties.

Before any member is suspended or expelled for any reason listed in subsections (b) or (c) above, he shall be furnished a written statement of the reasons at least

five (5) days before the meeting of the community council or business committee (at which he shall have an opportunity to appear and be heard) when the proposed action of suspension or expulsion is to be considered.

SEC. 2. Any vacancy shall be filled by the business committee and the appointee shall hold office until the next annual election.

#### ARTICLE VI — POWERS AND DUTIES OF THE BUSINESS COMMITTEE

SECTION 1. The business committee shall have the following powers subject to any limitations legally imposed by the Statutes or Constitution of the United States and of the State of Washington.

(a). As the governing body of the Kalispel Indian Community, which is a recognized Indian tribe, the business committee is hereby empowered to exercise all the powers and authority, express, implied or inherent, vested by existing law in the community as an Indian tribe.

(b). In addition to the above powers the business committee shall have the following specific powers which are required to be stated by the Indian Reorganization Act (25 U.S.C. 476);

(1). To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior as long as such approval is required by Federal law;

(2). To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the general membership of the tribe.

(3). To negotiate with the Federal, State and local governments on behalf of the tribe.

(4). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Kalispel Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(c). To have and exercise such other powers and authority as are reasonably necessary to fulfill its obligations, responsibilities, objects and purposes as the governing body of the tribe.

SEC. 2. Reserved Powers. Any rights and powers heretofore vested in the Kalispel Indian Community but not expressly referred to in this revised constitution shall not be abridged by this article, but may be exercised by the members of the community through the adoption of appropriate amendments to this revised constitution and by-laws.

SEC. 3. Community Council Review. The community council may, within a period of thirty-five (35) days, reconsider or review any action already taken by the business committee. Any modification or reversal of the previous action taken by the business committee shall be the action of the tribe and binding on the business committee.

- (a). Upon the giving of notice as prescribed in Article II, Section 2, of the by-laws, which notice shall give the reason for the meeting, a community council meeting will be held to consider or reconsider any action taken or likely to be taken by the business committee.
- (b). Any action taken by the business committee shall be at all times presumably final and will become legally final when action is not taken in the community council in conformity with subsection (a) above to reconsider the business committee action.

#### ARTICLE VII — AMENDMENTS

This revised constitution and bylaws may be amended by a majority vote of the qualified voters of the Kalispel Indian Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote cast ballots. No amendment shall be effective until it shall have been approved by the Secretary of the Interior.

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#### BY-LAWS OF THE KALISPEL INDIAN COMMUNITY

##### ARTICLE I — OFFICERS AND THEIR DUTIES

SECTION 1. If the community council delegates to the business committee the choosing of its officers, such action shall be taken by the business committee every year at its first meeting following the annual election.

SEC. 2. Chairman. The chairman shall preside over all meetings of the community council and the business committee. He shall perform all the customary and traditional duties as chairman and shall have the same vote as other members of the tribe and of the business committee.

SEC. 3. Vice Chairman. The vice chairman shall perform all duties of the chairman in the absence of the chairman.

SEC. 4. Secretary-Treasurer. As secretary he shall be responsible for tribal correspondence and reports and shall keep a complete record of minutes of all business conducted at the business committee and community council meetings. The business committee may designate an assistant secretary to assist the secretary or to perform the secretary's duties in the secretary's absence.

As treasurer he shall exercise those duties customarily performed by a treasurer and shall, if he is intended to have actual moneys in his possession or control, provide at tribal expense such bond as the business committee may require.

##### ARTICLE II — MEETINGS AND PROCEDURE

SECTION 1. Regular meetings. Regular meetings of the business committee shall be quarterly in the months of January, April, July and October on a day to be designated by the chairman, following the initial election under this revised constitution and bylaws, the regular annual election meeting of the community council shall be held on the second Wednesday of June, unless rescheduled pursuant to Article IV, section 1, of this revised constitution.

SEC. 2. Special Meetings. Special meetings of the community council or of the business committee may be called by mailing a written notice thereof to the members at least five (5) days in advance of the meeting. Said notice shall list the principal reason or reasons for the meeting and may be signed by the chairman, by three (3) members of the business committee or by ten (10) tribal members. Said written, mailed notice shall not be required when the next meeting date is announced during a community council or business committee meeting.

SEC. 3. Quorums. A quorum for the community council shall be twenty-two (22) members and of the business committee shall be five (5) members; Provided, however, that if Article IV, section 7(a) of this revised constitution is adopted, a quorum of the business committee shall be three (3) members.

SEC. 4. Compensation. The business committee may provide such compensation as it deems advisable for its officers and members and for the officers and members of other committees.

#### ARTICLE III — RATIFICATION

This revised constitution and bylaws, when adopted by a majority vote of the voters of the Kalispel Indian Community, voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

(Revised constitution and bylaws adopted at an election held on July 12, 1967, and approved by the Assistant Secretary of the Interior on July 27, 1967.)

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#### AMENDMENT

#### REVISED CONSTITUTION AND BY-LAWS OF THE KALISPEL INDIAN

#### COMMUNITY OF THE KALISPEL RESERVATION

#### AMENDMENT I

Section 6 of Article IV of the constitution, Nominations and Elections, shall be amended in its entirety to read as follows:

SECTION 6. Any qualified member of the tribe who is enrolled or entitled to be enrolled and who is 18 years of age or over shall be entitled to vote. He must be present to vote. No proxies or absentee ballots shall be allowed.

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#### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on February 17, 1969, under delegated authority, the attached Amendment to the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation, was submitted to the qualified voters of the community and was on June

18, 1969, duly adopted by a vote of 19 for, and 3 against, in an election in which at least 30 percent of the 67 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

THOMAS H. ALAN,<sup>?</sup>  
Chairman, Election Board.

FRANCIS CULLOUGH,<sup>?</sup>  
Election Board Member.

STEPHEN PIERRE,  
Election Board Member.

#### APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I to the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation.

Approval Recommended:

Commissioner of Indian Affairs.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C.  
July 28, 1969

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#### AMENDMENT II

Article VIII to be added to the Revised Constitution as follows:

#### ARTICLE VIII — BILL OF RIGHTS

All members of the Kalispel Indian Community shall be accorded equal protection of the law under this Constitution and Bylaws or under any tribal code or ordinance governing the Community or the Kalispel Reservation. No member shall be denied any of the rights or guarantees enjoyed by citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances and due process of law.

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#### CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on February 17, 1969, under delegated authority, the attached Amendment to

the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation, was submitted to the qualified voters of the community and was on June 18, 1969, duly adopted by a vote of 18 for, and 4 against, in an election in which at least 30 percent of the 67 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

THOMAS H. ALAN, ?  
Chairman, Election Board.

FRANCIS CULLOUGH, ?  
Election Board Member.

STEPHEN PIERRE,  
Election Board Member.

APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II to the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation.

Approval Recommended:

Commissioner of Indian Affairs

HARRISON LOESCH,  
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C.  
July 28, 1969

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